

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 11, 2013, at 8:00 p.m. in Council Chambers at City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss real estate matters.*

AGENDA

1. Pledge of Allegiance.
2. Moment of Silence in remembrance of 9/11.
3. Roll Call.
4. General Announcements.
5. Draft unapproved minutes of the regular meeting of the City Council held August 5, 2013.
6. Mayor's Management Report
 - Capital Projects Update
 - Rye Golf Club Operations Update
 - Boat Basin Operations Update
 - Legal Update
7. Public Hearing to adopt the Westchester County Sluice Gate legislation: "Development and Planning Standards" Intermunicipal Agreement Compliance.
8. Public Hearing to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form.
9. Resolution to adopt a Conflict of Interest form.
10. Consideration to set a Public Hearing for October 9, 2013 to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area.
11. Consideration to set a Public Hearing for October 9, 2013 to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, "Definitions" to amend the definition of "Small Project", and 2) adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens and to establish a referral process between the BAR and Board of Appeals.
12. Discussion to amend the Governing Procedures of City Enterprise Funds.
13. Resolution to adopt a City of Rye Sustainability Plan.
14. Resolution to amend the City's Management Employment Agreements.

15. Authorization for the City Manager to conduct an Executive Search for the Police Commissioner position.
16. Resolution authorizing the Corporation Counsel and the Mayor to seek settlement of the litigation with Rye Town.
17. Resolution to approve a Tax Certiorari settlement with Old Post Road Associates, Inc. for the property located at 120 Old Post Road.
18. Discussion to provide temporary parking alternatives for Blind Brook Lodge residents in City lots during the construction phase of the new Blind Brook Lodge parking facilities.
19. Resolution authorizing the City Manager to extend the Agreement with the Rye Art Center, Inc. to lease the property located at 51 Milton Road.
Roll Call.
20. Resolution to declare certain City of Rye Police equipment as surplus.
Roll Call.
21. Resolution to appropriate \$30,011 from the Building and Vehicle Fund, Fund Balance to the 2013 Police Vehicles Fund for the purchase of a fleet car.
22. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:
 - General Order #117.09 establishes a required policy for the deployment of all-terrain vehicles
 - General Order #106.05 updates the Department's procedures regarding "Stopping Violators"
 - General Order #105.04 updates the Department's procedures regarding "Airborne or Bloodborne Pathogens"
23. Authorization for the Police Commissioner to enter into an agreement with the New York State Police and the Westchester County Department of Public Safety for the TraCS System, an automated traffic ticket issuing system.
Roll Call.
24. Residents may be heard on matters for Council consideration that do not appear on the agenda.
25. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2016.
26. One appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2018, by the Mayor with Council approval.
27. Three appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2016 and the designation of one member to the Boat Basin Nominating Committee.
28. Appointment of a Marriage Officer for the City of Rye.
29. Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.
30. Miscellaneous communications and reports.
31. Old Business.

32. New Business.

33. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, October 9, 2013 at 8:00 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: September 11, 2013

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held August 5, 2013, as attached.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Approve the minutes of the regular meeting of the City Council held August 5, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on August 5, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
PETER JOVANOVICH
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI, Councilman

CIP Presentation

Prior to the beginning of the regular meeting, City Planner Christian Miller made a presentation on the City's 2014-2018 Capital Improvement Plan (CIP), which is a five-year planning document used to identify capital needs prior to budget discussions. The 2014-2018 CIP is for \$25.7 Million and consists of 56 projects. The projects are broken down as: \$14.6 Million for Transportation projects; \$5.8 Million for Recreation projects; \$5.3 Million for Vehicle and Equipment; \$2.7 Million for Building projects; \$1.7 Million for Sewer projects; and \$0.8 Million for Drainage projects. Funding is allocated as 50% from grants and aid, 29% from debt and 21% from general revenues. The allocation for funding over the five year period is: \$5.3 Million in 2014; \$3.8 Million in 2015; \$3.6 Million in 2016; \$5.3 Million in 2017; and \$7.4 Million for 2018. The sale of the property at 1037 Boston Post Road has enhanced the Fund Balance Building & Vehicle Fund, which has historically been the primary funding source for capital projects. Mr. Miller also provided a brief overview of some of the projects; spoke about how the City has been trying to merge ideas and opportunities when doing capital planning; and, about capital needs of other community entities that may impact the City budget. He concluded his presentation by noting that it is important to fund a Capital Improvement Plan and deferring projects usually creates bigger problems.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor French asked the City Clerk to call the roll; a quorum was present to conduct official city business.

3. General Announcements

Mayor French noted the passing of John Paulus, who served as the City's first City Manager from 1960 to 1974.

4. Draft unapproved minutes of the Workshop on the Rye Golf Club and the regular meeting of the City Council held July 10, 2013

Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the workshop of the Rye Golf Club held on June 10, 2013, as submitted.

Councilwoman Killian made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the regular meeting of the City Council held on July 10, 2013, as submitted.

5. Mayor's Management Report

- Update on the City of Rye Mile Markers

Jack Zahringer, Chair of the Landmarks Advisory Committee said that the Committee has received bids for the restoration of Mile Markers 25 and 26. The Committee received two bids for \$4,800 and has chosen the bid submitted by AM Art Conservation, LLC. City Manager Pickup said the City will contact the people involved and get the projects underway.

- Sustainability Committee Presentation on The Sustainability Plan

Mayor French said that the Sustainability Plan reflects the will of the residents of Rye. Sara Goddard, Chair of the Sustainability Committee, made a presentation on the draft Sustainability Plan. She said the content has not changed significantly from when it was presented in March. The Committee relied on best practices in drafting the plan; were guided by ICLEI's Five Milestone Process; and, reviewed numerous Sustainability Plans, Climate Action Plans and Environmental Plans for format. She provided an overview of changes that have been made to the content, layout and design of the Plan since the last presentation by the Committee and thanked the donors who will pay for the design fees and printing costs. She also spoke about other City Boards, Committees or Subcommittees possibly working on some of the priorities set forth in the Plan. The Plan will be on the agenda for adoption in September.

- Capital Projects Update: Central Avenue Bridge, Road Repairs and Bond Projects

City Manager Pickup reported that concrete work is being done on the Central Avenue Bridge and the finishing date for the project will be tied into additional paving on the Boston Post Road. The goal is to have the contractor completely finished before school starts. There will be sidewalks on the South side of the bridge so the Council will need to decide if they want to remove the Lowenstein Bridge. Some people do use the bridge and it does not necessarily have much impact on flooding.

- Legal Update

Corporation Counsel Wilson provided updates on the following matters:

- *The Ives v. City of Rye* – The Council needs to provide feedback on options that they have been presented in connection with moving this matter forward. City Manager Pickup suggested scheduling an executive session prior to the September meeting to discuss the matter.
- *Beaver Swamp Brook* – Ms. Wilson is working with City staff on providing the Council with options on hydrologists and hydrogeologists to review the Leonard Jackson report and data from the Town of Harrison when it is received. When the data is evaluated, the Council must decide if they want to continue to oppose “Project Home Run” or withdraw the City’s opposition.
- *Rye Town Park* – The Notice of Appeal was filed, which preserves the City’s right to appeal the decision in this case. The Council has to determine if they want to proceed with the appeal.
- *OMNI Contracting* – This matter deals with the construction of the Locust Avenue Fire Department and was commenced several years ago. The claim was assigned to insurance counsel to defend and is still in litigation because OMNI was blacklisted with the Department of Labor for several years. The City has received a letter from its insurance carrier Lloyds that they are disclaiming coverage at this time.

6. Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, “Parking, standing or stopping”, to prohibit parking on the South side of Platt Lane on School days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.

City Manager Pickup said that the purpose of the amendment is to alleviate traffic congestion during drop off and pick up on school days. The change is recommended by staff and the Traffic and Pedestrian Safety Committee.

Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to open the public hearing.

There was a question regarding the time of the afternoon restriction. *Lela Negri* of 7 Platt Lane said that the objective was to keep it consistent with signage on Billington Court.

Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried, to close the public hearing.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

RESOLVED, that Section 191-21, “Parking, standing, or stopping”, of the City Code is hereby amended to prohibit parking on the South

side of Platt Lane on school days during the hours
of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker
and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

7. Resolution to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19.1, "Parking prohibited certain hours", to temporarily prohibit parking on the south side of Parsons Street from 2:00 p.m. to 4:00 p.m. for the duration of the Rye City School District construction.

City Manager Pickup said that the reason for this proposed change is due to changes in traffic patterns at the High School/Middle School as a result of the construction project. The School District requested that parking be restricted on Parson Street in the afternoon so that sports teams and buses can be lined up because the school campus will be an active construction zone.

Councilwoman Brett made a motion, seconded by Councilwoman Parker to adopt the following Resolution:

RESOLVED, that Section 191-91, "Parking prohibited certain hours, of Chapter 191, Vehicles and Traffic, of the Rye City Code is hereby amended to temporarily prohibit parking on the south side of Parsons Street from 2:00 p.m. to 4:00 p.m. for the duration of the Rye City School District construction.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker
and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

8. Consideration of amending the governing procedures of City Enterprise Funds

Mayor French said that feedback has been received regarding the City's Enterprise Funds. A governance structure for the Enterprise Funds must look at the process and procedures for budgets, capital plans, internal controls, performance management and public disclosure. He

presented an overview of a proposal that defines the role of the Commissions and their Responsibilities; Membership of the Commissions; and, Protocols for Certain Oversight Responsibilities. There was a discussion among the Council regarding the governance proposal. John Duffy, Chair of the Golf Commission also offered comments but said that the Golf Commission has not met yet to discuss the proposal. There was also a discussion regarding issues related to the company who was contracted to run the pool. City Manager Pickup said that there are some changes unique to the Golf Club that include changes to the management structure and contract employees. The cost associated with hiring a full-time Club Manager was also discussed. Feedback should be sought from both the Golf Commission and Boat Basin Commission on the proposal.

9. Discussion on amending the City's management employment agreements

There was a suggestion that since this was a personnel matter it should be discussed in executive session. There was a discussion of what might be included, such as succession plans for certain positions such as the City Manager and Corporation Counsel and issues related to the position of Comptroller.

10. Resolution to amend the City of Rye's FOIL procedures regarding the FOIL Appellate body

The Council discussed three options have been proposed for dealing with FOIL appeals: (A) the Council will hear appeals at regularly scheduled City Council meetings and if the appellant does not waive the 10 day requirement for an appeal to be heard, it will be heard by the Corporation Counsel; (B) the Corporation Counsel will serve as the Appeals Officer; or, (C) a FOIL Appeals Committee comprised of three Council members will hear all Appeals submitted to the Council. There was discussion among the Council regarding whether the Corporation Counsel or another outside attorney should hear the appeals.

Councilwoman Brett made a motion, seconded by Councilman Sack, to amend "Section 8. Denial of access to records" of the City of Rye's FOIL Procedures to read as follows:

Section 8. Denial of access to records.

- (a) Denial of access to records shall be in writing stating the reason(s) therefore and advising the requestor of the right to appeal to the City Council within thirty (30) days of the denial. However, if the City Council does not meet within the statutory ten (10) business days following receipt of the appeal, the individual filing the appeal will be asked to waive the ten (10) day statutory period for hearing the appeal. If the individual agrees to waive, the appeal will be heard at the next regularly scheduled City Council meeting. If the individual does not waive the ten (10) day statutory period then the Corporation Counsel will hear the appeal. Appeals heard by either the City Council or Corporation Counsel are final determinations. (i.e. a City Council's determination in an appeal cannot be reheard by the Corporation Counsel or vice versa).

- (b) If requested records are not provided promptly, as required in Section 6 (c) of these regulations, such failure shall also be deemed a denial of access. In such cases, appeals must be filed within thirty (30) days of the date by which the records were to be made available.
- (c) The time for deciding an appeal by the City Council shall commence upon receipt of a written appeal identifying:
 - 1. The date of the appeal.
 - 2. The date and location of the original record request.
 - 3. The records to which the requestor was denied access.
 - 4. Whether the denial of access was in writing or by failing to provide records in accordance with the applicable time periods.
 - 5. A copy of the written denial, if any.
 - 6. The name and return address (or email address) of the requestor.
- (d) The appeal shall be determined by the City Council or the Corporation Counsel within ten (10) business days of the receipt of the appeal. If the appeal is submitted via email, any emails received after 5:00 P.M. will be considered received on the next business day. Written notice of the determination shall be served upon the person requesting the record and the Committee on Open Government.
- (e) A person requesting an exception from disclosure, or an agency denying access to record, shall in all appeal proceedings have the burden of proving entitlement to the exception.
- (f) A proceeding to review an adverse determination upon appeal may be commenced pursuant to Article 78 of the Civil Practice Law and Rules in accordance with all applicable provisions of the law.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker
and Sack

NAYS: None

ABSENT: Councilman Filippi

The Motion was adopted by a 6-0 vote.

11. Resolution to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form

Corporation Counsel Wilson reported on a meeting held with the Board Ethics relating to Chapter 15 of the City Code and the proposed Conflict of Interest form. The Council has been provided with their recommendations. Ms. Wilson reviewed proposed changes to the law. There was a lengthy discussion among the Council regarding the Waiver Procedure proposed under Section 15-16.

Councilman Jovanovich made a motion seconded by Councilwoman Killian, and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to amend Chapter 15 “Ethics, Code of” of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on September 11, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 15 “Ethics, Code of” §§ 15-2 “Conflicts of Interest”, 15-4 “Disclosure of interest”, 15-13 “Board of Ethics” and to add § 15-16 “Waiver procedure” of the Rye City Code

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 11th day of September, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 15 “Ethics, Code of” of the City Code of the City of Rye.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse

City Clerk

Dated: August 29, 2013

This item was deferred.

13. Discussion of the Sluice Gate legislation: "Development and Planning Standards" Intermunicipal Agreement Compliance with City of Rye Boards and Committees

City Manager Pickup said that a stipulation for receiving the County share of the Sluice Gate funding is that the City must adopt the County's model ordinance. It has been circulated among Boards, Commissions, City staff and the Council. Upon adoption the City will be able to apply for reimbursement of up to 50% of the cost of installation of the Sluice Gate or \$1.1 Million, whichever is lower.

Councilwoman Brett, made a motion, seconded by Councilwoman Parker and unanimously carried to adopt the following Resolution:

WHEREAS, the Council wishes to repeal Chapter 173, "Surface Water, Erosion and Sediment Control and amend Chapter 174, "Stormwater Management", of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on September 11, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing to Repeal Chapter 173, Surface Water, Erosion and Sediment Control, and Amend Chapter 174, Stormwater Management, of the Code of The City of Rye New York

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 11th day of September 2013 at 8:00 PM at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to Repeal Chapter 173, Surface Water, Erosion and Sediment Control, and Amend Chapter 174, Stormwater Management, of the Code of the City of Rye New York

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: August 29, 2013

14. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department to General Order #120.09 "Workplace Violence Protection"

Mayor French made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby approves the proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #120.09 "Workplace Violence Protection."

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

15. Residents may be heard on matters for Council consideration that do not appear on the agenda

There were no residents who wished to be heard under this agenda item.

16. Adoption of the 2013/2014 tax levy and tax rate for the Rye Neck Union Free School District Roll Call.

Councilman Jovanovich made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,133,269 to be raised on property within the District located in the City of Rye, with established tax rates of \$795.235079 per \$1,000 taxable assessed value on homestead property and \$1,029.291786 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2013 and ending June 30, 2014, now therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL:

AYES: Mayor French, Councilmembers Jovanovich, Killian and Parker
NAYS: None
ABSENT: Councilmembers Brett, Filippi and Sack

The Resolution was adopted by a 4-0 vote.

17. Bid Award for the Cedar Place Sanitary Sewer contract (Contract # 2013-03)
Roll Call.

Councilman Jovanovich made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby awards Contract #2013-03 for the Rehabilitation of Cedar Place Sanitary Sewer to Con-Tech Construction Technology Inc. in the amount of Ninety-Two Thousand, Nine Hundred Fifty dollars (\$92,950.00).

ROLL CALL:

AYES: Mayor French, Councilmembers Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilmembers Brett and Filippi

The Resolution was adopted by a 5-0 vote.

18. Authorization for City Manager to enter into an Agreement with the Village of Port Chester for the temporary use of the Rye Police Cells by the Port Chester Police Department
Roll Call.

City Manager Pickup said that the Village of Port Chester is currently unable to use their holding cells for detention prior to people being arraigned. The Police Departments and the Judges have been involved in working out the arrangement. The IMA can be reviewed in September to determine if any modifications need to be made to the agreement.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Intermunicipal Agreement with the Village of Port Chester for the temporary use of the Rye Police Department jail cells by the Port Chester Police Department.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

19. Authorization for City Manager to enter into an Agreement with the County of Westchester for 2013-2014 Prisoner Transportation Services
Roll Call.

Councilwoman Brett made a motion, seconded by Councilman Jovanovich, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Intermunicipal Agreement with the County of Westchester for 2013-2013 Prisoner Transportation Services.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack
NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

20. Appeal of denial of FOIL requests by Timothy Chittenden

Corporation Counsel Wilson noted that there were three appeals submitted.

Appeal 1: The request was for all Rye Police Department Ring Sheets and Activity Sheets for specific tours. The Ring Sheet documents were provided with redactions of personal

information and the Activity Sheets were denied under §87(2)(f). The appeal is for the denied records and the fact that the reason for the redactions under the Public Officer Law were not supplied. There was a discussion regarding the reasons for denying the request for the Activity Sheets, including case law provided by the Corporation Counsel.

Councilman Sack made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

RESOLVED, that the appeal of the response to a FOIL request submitted by Timothy Chittenden seeking “All Rye Police Department Ring Sheets and Activity Sheets for all tours for June 23, 23, 25, 26, 27, 28 and 29, 2013” is granted as to providing the reasons for redactions made to the Ring Sheet documents that were provided and denied as to providing the Activity Sheets.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack

NAYS: None

ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

Appeal 2: Requests were submitted for Statements of Final Costs submitted to the City of Rye Building Department for years 2004 through 2013. Corporation Counsel Wilson said that the FOIL Requests had not been denied but were sent back to the Requestor because the requests were too broad and the requestor was asked to clarify certain parcels that he is looking for because the Building Department does not maintain one document that contains all Statements of Final Costs submitted for a particular year. He is appealing that request for clarification. Since the requests were not denied and the City can ask a requestor to be more specific in a request, there was no action taken by the Council on this item.

Appeal 3: The requestor submitted a FOIL request to the Acting City Comptroller Fazzino, who forwarded it to the City Clerk as Records Access Officer. The requestor was asked to resubmit the request through the City’s electronic FOIL system. Corporation Counsel Wilson said that she had spoken with Bob Freeman of the Committee on Open Government, who clarified that the City can designate a Records Access Officer and require that all FOIL be sent through that person but cannot require requestors to submit through the electronic system. The appeal was submitted prior to the five-day time period for acknowledging a FOIL request. It will be acknowledged and responded to. No Council action was taken.

There was a brief discussion about the benefits to a requestor of utilizing the automated FOIL procedure as opposed to submitting requests outside the system.

21. Appeal of denial of FOIL request by Leon Sculti

A request was submitted for records in connection with 16 separate properties and was asked to resubmit the requests separately. He appealed the request to submit separate requests. An automatic acknowledgement of the request was sent through the automated system. The 20 business day period to respond has not elapsed and the City will process the request as submitted. Corporation Counsel Wilson noted that if one topic per FOIL request is submitted, the response to the requestor may be quicker than if several items are included in a request because the response will wait until all the documents are assembled. No Council action was taken.

22. Consideration of request for permission to close a section of Purchase Street for the 61st annual celebration of the Halloween Window Painting Contest

Mayor French made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution:

RESOLVED, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street for the 61st Annual Halloween Window Painting Contest on Sunday October 20, 2013 (rain date October 27) from 8:00 A.M. to 3:00 P.M.

23. Miscellaneous Communications and Reports

Councilwoman Parker reported on the second meeting of the Playland Advisory Committee and said although there have been few issues this year, there were issues raised regarding July 4th traffic and noise related to a concert. Ms. Parker also noted that the County had given the keys to the Westchester Children's Museum and have signed the Management Agreement with Sustainable Playland, who will partner with Central Amusements to run the amusement park portion of the park.

24. Old Business

Rye Arts Center Lease – Mayor French and Councilmembers Parker and Jovanovich met with the Rye Arts Center Board to discuss terms of the lease. The term of the lease will be reduced to 25 years; the Arts Center will pick up the cost of landscaping; and the City will be liable for maintaining the lot and snow removal. This item will come back to the Council in September to authorize an extension to the current lease, which expires in 2016.

City Manager Pickup reported on the inspection report dated July 18th issued by the Westchester County Health Department on a visit made to Hen Island after the last Council meeting. Mr. Pickup has been in contact with the President of the Kudor Island Association, who indicated that a re-visit is scheduled for this week. They expect the items to be resolved at that time. The Board would like to come to a Council meeting to discuss their issues with

compliance and concerns raised about issues on the island. There was a discussion about having a representative from the County also attend a Council meeting.

Councilman Sack asked about the issue of widening Forest Avenue. City Manager Pickup said that the sharrows on Forest Avenue will be repainted from the street resurfacing budget after other projects are completed.

Councilwoman Killian asked if the Government Relations Committee could be asked to update their presentation on revaluation.

Mayor French asked if there were any new proposals for the property at 120 Old Post Road. City Manager Pickup said that he was not aware of anything but would discuss it with City Planner Miller.

25. New Business

Councilwoman Brett said that the Planning Commission is looking at making changes to the Code that would reduce attic heights from 7 ½ to 7 feet. She also said that the Landmarks Committee want to move forward with the “Ithaca Law” regarding tax credits for renovating historic buildings in historic districts. Councilwoman Parker said it was important that members of the Landmarks Committee meet with landlords in the Central Business District to get them to “sign off” on the proposal.

26. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Mayor French and unanimously carried, to adjourn into Executive Session to discuss personnel matters related to the terms of the City Manager’s and Corporation Counsel’s contracts, and, potentially, issues relating to the Acting Comptroller, and not return into session, at 11:50 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Capital Projects Update
- Rye Golf Club Operations Update
- Boat Basin Operations Update
- Legal Update



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: September 11, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Public Hearing to adopt the Westchester County Sluice Gate legislation: "Development and Planning Standards" Intermunicipal Agreement Compliance for the Flood Mitigation Project at the Blind Brook Dam.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council adopt the legislation.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The City of Rye and the County of Westchester entered into a Intermunicipal Agreement for a flood mitigation project at the Blind Brook dam at Bowman Avenue: the installation of a sluice gate. A condition of the agreement is that the City must adopt the *Development and Planning Standards* of the Westchester County Flood Action Task Force. The payment of County funds under this agreement for the Sluice Gate project is contingent upon the adoption of these policies. The Conservation Commission/Advisory Council and the Planning Commission have both reviewed the County Standards and recommend adopting the legislation.

Attachments:

- Development and Planning Standards of the Westchester County Flood Action Task Force
- Planning Commission Advisement
- Conservation Commission/Advisory Council Advisement



Robert P. Astorino
County Executive

Department of Planning
Edward Burroughs, AICP
Acting Commissioner

July 1, 2010

Frank Culross, Manager
City of Rye
1051 Boston Post Road
Rye, NY 10580

**Subject: "Development and Planning Standards" IMA Compliance -
Blind Brook Dam at Bowman Avenue Flood Mitigation Project**

Dear Mr. Culross:

I am writing to remind you of a condition of the intermunicipal agreement (IMA) between the County of Westchester and City of Rye, dated February 16, 2010, concerning the flood mitigation project at the Blind Brook dam at Bowman Avenue. Section 2.3 of the IMA states:


The Municipality represents that within one year of the date hereof that the "Development and Planning Standards" of the Flood Action Task Force will have been adopted in the Municipality's land use regulations, guidelines and policies or in stand-alone form, and documentation of the adoption of such policies must be provided and approved by the Westchester County Planning Department (Planning Commissioner). It is understood and agreed to by the Municipality that the payment of County funds under this Agreement for the Project is contingent upon the Municipality's adoption of the aforesaid policies.

We encourage the City to begin work to document item by item compliance with the development and planning standards as the dispersal of County funds is dependent on submission of such documentation by the City to the County. We recognize that some of these best practices may have been adopted by the City prior to this IMA. To ensure that full compliance is documented, we suggest that the City include evidence of such prior adoption in its report.

Frank Culross
Rye City Manager
Development & Planning Standards IMA Compliance
Blind Brook Dam at Bowman Avenue Flood Mitigation Project
Page 2.

A copy of the "Development and Planning Standards" is enclosed. If you have any questions or need additional information, please contact Robert Doscher at rrd1@westchestergov.com or 914.995.4423.

Sincerely,



Edward Burroughs, AICP
Acting Commissioner

EEB/RRD

Enclosure: Development and Planning Standards of the Westchester County Flood Action Force

cc: Hon. Douglas French, Mayor, City of Rye
Christine Sculti, Assistant to the County Executive
John Hsu, Acting Commissioner of Public Works
Robert Doscher, Principal Environmental Planner

DEVELOPMENT AND PLANNING STANDARDS OF THE WESTCHESTER COUNTY FLOOD ACTION TASK FORCE

Flooding frequency and, in some cases, intensity, in Westchester County has increased over time, in part due to the conversion of permeable and water-absorbing land surfaces, like woodlands, meadows and wetlands, to impermeable surfaces, like parking lots, roads and buildings, and surfaces that shed water more readily than others, like lawns and agricultural fields. This conversion has often occurred without commensurate stormwater runoff management facilities. Similarly, the water quality and ecological health of the county's streams, lakes, reservoirs and estuaries has diminished as a result of polluted stormwater runoff (a.k.a., nonpoint source pollution).

Strengthening existing and implementing new municipal ordinances related to stormwater runoff and management, with similar efforts made to the policies, guidelines and orders of the County of Westchester, has the potential to lessen the damage and risk caused by flooding and to minimize the deterioration of water quality and the ecological integrity of the county's water resources. These changes would be applicable to existing and proposed land management, use and development practices throughout Westchester County.

The New York State Department of Environmental Conservation (NYSDEC) issued a revised "SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-08-002)" in April 2008. This permit became effective on May 1, 2008. These revised stormwater management regulations, commonly called the Stormwater Phase II Program, requires that municipalities in Westchester County and the County of Westchester (County), all of which are classified as an MS4, develop and implement a plan for managing stormwater runoff.

However, the Flood Action Task Force (Task Force) notes that although water quality protection is emphasized in these state regulations, municipalities and the County should do more to address water quantity (i.e., flooding) considerations in their applicable ordinances, regulations, orders, policies and guidelines. Therefore, the Task Force recommends the following "Development and Planning Standards."

Note that while these standards are recommended for all Westchester County municipalities, the incorporation of the following standards will be required of every municipality prior to its receipt of funds from the County's capital program to mitigate flooding and flood damage. An informational sheet describing this program is available on the County website at www.westchestergov.com/flood.

1. All municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development should reference and require compliance with the:
 - New York State Stormwater Management Design Manual (2004) or any subsequent version(s) of this manual and addendums thereto, including those

concerning Alternative Stormwater Management Practices, Redevelopment Strategy and Proprietary Practices.

- New York State Standards and Specifications for Erosion and Sediment Control (2005) or any subsequent version(s) of this manual.
2. All municipalities should formally adopt, with modifications noted below, the NYSDEC's "Sample Local Law for Stormwater Management and Erosion and Sediment Control (2006)" or closely similar ordinance acceptable to the NYSDEC. A copy of this sample ordinance is available at: www.dec.ny.gov/docs/water_pdf/localaw06.pdf or at www.dec.ny.gov/chemical/9007.html, then click on "Sample Local Law for Stormwater Management and Erosion and Sediment Control."

The aforementioned sample ordinance, however, should be modified by the municipality as follows:

Article 2, Section 1, Definitions:

REVISED:

Land Development Activity – any construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules, or activities that result in the creation of impervious (non-permeable) cover equal to or greater than 1,000 square feet, whether those activities occur in association with new development, a modification or expansion of existing development, or redevelopment of a previously developed site.

Article 2, Section 2

REVISED:

Section 2.2.2

Land development activities as defined in Section 1 of this Article and meeting Condition "A" or "B" below shall include *water quantity* and *water quality* controls (post-construction stormwater runoff controls), as set forth in Section 2.2.3 and described in the New York State Stormwater Management Design Manual, including those capable of mitigating the water quantity impacts resulting from the twenty-five (25)-year storm event in Westchester County, New York, as applicable:

Condition A - Stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five thousand (5,000) square feet or more of land or creating impervious (non-permeable) cover equal to or greater than one thousand (1,000) square feet during the course of the project.

Section 2.2.3

SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law;
 2. Description of each post-construction stormwater management practice;
 3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
 6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 7. Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
 8. Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with Article 2, Section 4 of this local law.
 10. The SWPPP shall be prepared by a licensed landscape architect or professional engineer or other appropriately certified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
3. All municipalities should develop a Local Hazard Mitigation Plan with approval of the plan by the Federal Emergency Management Agency (FEMA). Grant funding is available from FEMA to assist municipalities with the development of Local Hazard Mitigation Plans. Guidance on Local Hazard Mitigation Plans is available at: www.fema.gov/library/viewRecord.do?id=3336.
4. All municipalities and the County should reference and, where applicable, require compliance with the design principles and practices of sustainable development (a.k.a., low impact development, better site design, smart growth and green development, among other titles). This reference should be made in municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development. Guidance on sustainable development is available through several sources, including:
- “Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources, at: www.epa.gov/owow/nps/lid/lidnatl.pdf;
 - “Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center, at: www.lid-stormwater.net;
 - “Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency, at: www.epa.gov/nps/lid.

5. The Task Force also recommends compliance with the following general principles in regard to flood mitigation projects (these principles are further defined in the manuals and other publications noted above):

- Increased in impervious surfaces from development and redevelopment should be discouraged, including through reduced parking areas, small building footprints, preservation of vegetation, and permeable surfaces.
- The protection and preservation of naturally vegetated land next to streams, lakes and other watercourses and water bodies should be mandated, where appropriate and applicable, to prohibit any construction or other development activities within one hundred (100) feet of these water resources. This should include the clearing of vegetation within these aquatic buffers. Communities should, through local rules, permitting and enforcement practices, follow the principle that aquatic buffer, flood plain and wetland impacts and losses shall be avoided to the maximum extent practicable or, if these impacts cannot be avoided, that they shall be minimized to the maximum extent practicable; any unavoidable impacts that have been fully minimized should be mitigated through restoration and/or creation of aquatic buffer, flood plain or wetland.
- Greater consideration should be given to projects that utilize a higher degree of infiltration, extended detention, and retention to manage stream flows and lessen the severity of flooding.
- Projects that rely simply on channel "improvements" to speed the downstream flow of surface waters are discouraged, unless it can be clearly shown that (1) other preferred methods are not practical; (2) channel capacity and flood mitigation potential downstream of the project will not be adversely affected; (3) channel improvements are a more cost-efficient or -effective method of reducing flood damage in the project area; and (4) aquatic habitats and organisms would not be substantially impacted by the "improvements."
- Absent other counterbalancing elements, proposed projects should not result in a net decrease in the volume of stormwater storage in an existing flood plain.
- Greater consideration should be given to projects that include water quality and fish and wildlife habitat improvement elements in stormwater management plans and details.

WCDP 02/14/09

Nick Everett, Chairman
Martha Monserrate, Vice Chair
Laura Brett
Barbara Cummings
Hugh Greechan
Peter Olsen
Peter Larr



Planning Department
1051 Boston Post Road
Rye, New York 10580
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www.ryeny.gov

CITY OF RYE Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission
Christian K. Miller, AICP, City Planner

cc: Scott Pickup, City Manager
Ryan X. Coyne, City Engineer
Kristen K. Wilson, Esq, Corporation Counsel

Date: July 23, 2013

Subject: **Draft Local Law Amending the City's Storm Water Management Regulations**

At its April 3, 2013, meeting the Rye City Council requested input from the Planning Commission regarding the adoption of Westchester County Development Standards and Planning Guidelines (attached hereto). Adoption of these standards and guidelines was required as a condition of receiving Flood Action Program funding for the implementation of the Sluice Gate Flood Mitigation Project at the Bowman Spillway.

Attached hereto is a draft local law prepared by the City Planner incorporating the required amendments to the City's current stormwater management law. The Planning Commission supports these changes and notes the following:

- The draft local law would eliminate existing Chapter 173, *Surface Water, Erosion and Sediment Control*, from the City Code. This chapter would no longer be necessary given the requirements and thresholds established under amended Chapter 174, *Stormwater Management*.
- Chapter 174 would be amended to require that activities involving more than 300 square feet of disturbance to file a Storm Water Pollution Prevention Plan (SWPPP) with the City Engineer. This would codify a current practice, which requires filing of surface water control permit for any activity involving more than 300 square feet of impervious area or any land disturbing activity. This threshold

Draft Local Law Amending the City's Storm Water Management Regulations

July 23, 2013

Page 2 of 2

is lower than the 5,000 square feet of land disturbing activity or 1,000 square feet of increase in impervious area required by the County planning and development guidelines. The submission requirements and stormwater quality and quantity controls would be similar to those required by existing Chapter 173.

- The proposed amendments under Chapter 174 would follow the current requirements for activities involving more than one acre of land disturbing activities. Consistent with the County guidelines, the amended law would not require some of the more onerous requirements for establishing of easements for the perpetual access and maintenance of storm water drainage measures or the construction and inspection requirements. These standards make sense only for larger projects (i.e. those involving one or more acres of disturbance) rather than many of the smaller projects typically reviewed by the City. Most projects in Rye involve land disturbing activities associated with single-family home construction on properties less than one acre. These projects do not have the large common storm water management facilities (i.e. stormwater basins, ponds, etc) associated with larger residential subdivisions or commercial development that make such easements and inspection requirements more practical.

DRAFT

**LOCAL LAW
CITY OF RYE NO. _____ 2013**

**A Local law to Repeal Chapter 173 “Surface Water, Erosion and Sediment Control” and
Amend Chapter 174 “Stormwater Management” of the
Code of the City of Rye, New York**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Chapter 173, *Surface Water, Erosion and Sediment Control*, is hereby be repealed in its entirety.

Section 2. The title of Article I, *Erosion and Sediment Control for Development of One Acre or More*, is hereby amended as follows¹:

ARTICLE I

Erosion and Sediment Control for ~~Development of One Acre or More~~

Section 3. Article I, *Erosion and Sediment Control*, Section 197-5, *Exemptions*, of the Code of the City of Rye is hereby amended as follows:

- C. Routine maintenance activities that disturb less than ~~one-acre~~ three-hundred (300) square feet and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility unless the Storm Water Management Officer determines that the disturbance is subject to the requirements of §174-7(F).

Section 4. Article I, *Erosion and Sediment Control*, Section 197-6, *Definitions*, of the Code of the City of Rye is hereby amended to modify the definition of “LAND DEVELOPMENT/REDEVELOPMENT ACTIVITIES” and “STORM WATER POLLUTION PREVENTION PLAN (SWPPP)” as follows:

LAND DEVELOPMENT/REDEVELOPMENT ACTIVITY - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than ~~one-acre~~ three-hundred (300) square feet, or activities disturbing less than ~~one-acre~~ three-hundred (300) square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development or redevelopment activities may take place at different times on different

¹ All changes to the existing code are shown with underline for additions and ~~striketrough~~ for deletions.

schedules.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) - a plan for controlling storm water runoff and pollutants from a site involving a disturbance equal to or greater than ~~one-acre~~ three-hundred (300) square feet during and after construction activities.

Section 5. **Article I, *Erosion and Sediment Control*, Section 197-7.A, *Storm Water Pollution Prevention Plan Requirement*, of the Code of the City of Rye is hereby amended as follows:**

A. Storm Water Pollution Prevention Plan Requirement

No application for approval of a land development or redevelopment activity shall be reviewed until the Planning Board or City Engineer has received a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this Chapter. Where possible SWPPP shall include the sustainable development practices as identified in the following sources:

“Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources.

“Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center.

“Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency.

Section 6. **Article I, *Erosion and Sediment Control*, Section 197-7.B(2) of the Code of the City of Rye is hereby amended as follows:**

- (2) Land development or redevelopment activities as defined in Section 6 of this Chapter and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 174-7.B(3) below as applicable. Land development or redevelopment activities as defined in Section 6 of this Chapter and falling below the thresholds established in Conditions “A”, “B” or “C”, but meeting Condition “D” shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 174-7.B(4) below as applicable

Condition A - Storm water runoff from land development or

redevelopment activities including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment.

Condition B - Storm water runoff from land development or redevelopment activities disturbing five (5) or more acres.

Condition C - Storm water runoff from land development or redevelopment activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

Condition D – All other land development or redevelopment activities not meeting Conditions “A”, “B” or “C” above.

Section 7. ***Article I, Erosion and Sediment Control, Section 197-7.B, Contents of Storm Water Pollution Prevention Plans, of the Code of the City of Rye is hereby amended to add the following sub-section:***

(4) SWPPP Requirements for Condition D:

- (a) All information in Section §174-7.B(1) of this Chapter;**
- (b) Description of each post-construction storm water management practice;**
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction storm water management practice;**
- (d) Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms;**
- (e) Comparison of post-development storm water runoff conditions with pre-development conditions;**
- (f) Dimensions, material specifications and installation details for each post-construction storm water management practice;**
- (g) Maintenance schedule to ensure continuous and effective operation of each post-construction storm water management practice;**
- (h) Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;**

- (i) Inspection and maintenance agreement, if applicable, binding on all subsequent landowners served by the on-site storm water management measures in accordance with Section 9 of this Chapter; and (J) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all storm water management practices meet the requirements in this Chapter.

Section 8. Chapter 173, *Surface Water, Erosion and Sediment Control*, Section 197-7.F, *Requirements for Land Development/Redevelopment Activity for Less than One Acre*, is hereby repealed in its entirety.

Section 9. Chapter 173, *Surface Water, Erosion and Sediment Control*, Section 197-8, is hereby amended as follows:

§174-8 Performance and Design Criteria for Storm Water Management Plans

All land development or redevelopment activities equal to or greater than ~~one-acre~~ three-hundred (300) square feet shall be subject to the following performance and design criteria:

Section 10. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 11. Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

DEVELOPMENT AND PLANNING STANDARDS OF THE WESTCHESTER COUNTY FLOOD ACTION TASK FORCE

Flooding frequency and, in some cases, intensity, in Westchester County has increased over time, in part due to the conversion of permeable and water-absorbing land surfaces, like woodlands, meadows and wetlands, to impermeable surfaces, like parking lots, roads and buildings, and surfaces that shed water more readily than others, like lawns and agricultural fields. This conversion has often occurred without commensurate stormwater runoff management facilities. Similarly, the water quality and ecological health of the county's streams, lakes, reservoirs and estuaries has diminished as a result of polluted stormwater runoff (a.k.a., nonpoint source pollution).

Strengthening existing and implementing new municipal ordinances related to stormwater runoff and management, with similar efforts made to the policies, guidelines and orders of the County of Westchester, has the potential to lessen the damage and risk caused by flooding and to minimize the deterioration of water quality and the ecological integrity of the county's water resources. These changes would be applicable to existing and proposed land management, use and development practices throughout Westchester County.

The New York State Department of Environmental Conservation (NYSDEC) issued a revised "SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-08-002)" in April 2008. This permit became effective on May 1, 2008. These revised stormwater management regulations, commonly called the Stormwater Phase II Program, requires that municipalities in Westchester County and the County of Westchester (County), all of which are classified as an MS4, develop and implement a plan for managing stormwater runoff.

However, the Flood Action Task Force (Task Force) notes that although water quality protection is emphasized in these state regulations, municipalities and the County should do more to address water quantity (i.e., flooding) considerations in their applicable ordinances, regulations, orders, policies and guidelines. Therefore, the Task Force recommends the following "Development and Planning Standards."

Note that while these standards are recommended for all Westchester County municipalities, the incorporation of the following standards will be required of every municipality prior to its receipt of funds from the County's capital program to mitigate flooding and flood damage. An informational sheet describing this program is available on the County website at www.westchestergov.com/flood.

1. All municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development should reference and require compliance with the:
 - New York State Stormwater Management Design Manual (2004) or any subsequent version(s) of this manual and addendums thereto, including those

concerning Alternative Stormwater Management Practices, Redevelopment Strategy and Proprietary Practices.

- New York State Standards and Specifications for Erosion and Sediment Control (2005) or any subsequent version(s) of this manual.
2. All municipalities should formally adopt, with modifications noted below, the NYSDEC's "Sample Local Law for Stormwater Management and Erosion and Sediment Control (2006)" or closely similar ordinance acceptable to the NYSDEC. A copy of this sample ordinance is available at: www.dec.ny.gov/docs/water_pdf/localaw06.pdf or at www.dec.ny.gov/chemical/9007.html, then click on "Sample Local Law for Stormwater Management and Erosion and Sediment Control."

The aforementioned sample ordinance, however, should be modified by the municipality as follows:

Article 2, Section 1, Definitions:

REVISED:

Land Development Activity – any construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules, or activities that result in the creation of impervious (non-permeable) cover equal to or greater than 1,000 square feet, whether those activities occur in association with new development, a modification or expansion of existing development, or redevelopment of a previously developed site.

Article 2, Section 2

REVISED:

Section 2.2.2

Land development activities as defined in Section 1 of this Article and meeting Condition "A" or "B" below shall include **water quantity** and **water quality** controls (post-construction stormwater runoff controls), as set forth in Section 2.2.3 and described in the New York State Stormwater Management Design Manual, including those capable of mitigating the water quantity impacts resulting from the twenty-five (25)-year storm event in Westchester County, New York, as applicable:

Condition A - Stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five thousand (5,000) square feet or more of land or creating impervious (non-permeable) cover equal to or greater than one thousand (1,000) square feet during the course of the project.

Section 2.2.3

SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law;
 2. Description of each post-construction stormwater management practice;
 3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
 6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 7. Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
 8. Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with Article 2, Section 4 of this local law.
 10. The SWPPP shall be prepared by a licensed landscape architect or professional engineer or other appropriately certified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
3. All municipalities should develop a Local Hazard Mitigation Plan with approval of the plan by the Federal Emergency Management Agency (FEMA). Grant funding is available from FEMA to assist municipalities with the development of Local Hazard Mitigation Plans. Guidance on Local Hazard Mitigation Plans is available at: www.fema.gov/library/viewRecord.do?id=3336.
 4. All municipalities and the County should reference and, where applicable, require compliance with the design principles and practices of sustainable development (a.k.a., low impact development, better site design, smart growth and green development, among other titles). This reference should be made in municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development. Guidance on sustainable development is available through several sources, including:
 - “Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources, at: www.epa.gov/owow/nps/lid/lidnatl.pdf;
 - “Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center, at: www.lid-stormwater.net;
 - “Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency, at: www.epa.gov/nps/lid.

5. The Task Force also recommends compliance with the following general principles in regard to flood mitigation projects (these principles are further defined in the manuals and other publications noted above):
- Increased in impervious surfaces from development and redevelopment should be discouraged, including through reduced parking areas, small building footprints, preservation of vegetation, and permeable surfaces.
 - The protection and preservation of naturally vegetated land next to streams, lakes and other watercourses and water bodies should be mandated, where appropriate and applicable, to prohibit any construction or other development activities within one hundred (100) feet of these water resources. This should include the clearing of vegetation within these aquatic buffers. Communities should, through local rules, permitting and enforcement practices, follow the principle that aquatic buffer, flood plain and wetland impacts and losses shall be avoided to the maximum extent practicable or, if these impacts cannot be avoided, that they shall be minimized to the maximum extent practicable; any unavoidable impacts that have been fully minimized should be mitigated through restoration and/or creation of aquatic buffer, flood plain or wetland.
 - Greater consideration should be given to projects that utilize a higher degree of infiltration, extended detention, and retention to manage stream flows and lessen the severity of flooding.
 - Projects that rely simply on channel “improvements” to speed the downstream flow of surface waters are discouraged, unless it can be clearly shown that (1) other preferred methods are not practical; (2) channel capacity and flood mitigation potential downstream of the project will not be adversely affected; (3) channel improvements are a more cost-efficient or -effective method of reducing flood damage in the project area; and (4) aquatic habitats and organisms would not be substantially impacted by the “improvements.”
 - Absent other counterbalancing elements, proposed projects should not result in a net decrease in the volume of stormwater storage in an existing flood plain.
 - Greater consideration should be given to projects that include water quality and fish and wildlife habitat improvement elements in stormwater management plans and details.

To: Rye City Planning Commission and City Council

From: Conservation Commission/Advisory Council

CC/AC comments re County Standards and Practices

The CC/AC strongly supports the goals and purposes of the County Standards and urges the Rye City Council to adopt the model local law - or a substantially similar law. However, it is also clear that the model local law involves additional bureaucracy, additional forms, etc. which may create a strain on current city staff. We believe City Staff has been reviewing the local law, and we urge the Council to adopt a substantially similar law that will enable the City to receive the County funding for the sluice gate and meet the goals of the law without overly burdening City staff.

We note that in practice, if not in our current code, the City already uses a small threshold of disturbance and requires detention treatment in controlling stormwater.



CITY COUNCIL AGENDA

NO. 8

DEPT.: Corporation Counsel

DATE: September 11, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

ACTION: Public Hearing to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER 15
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The City has proposed instituting a Conflict of Interest form which would be filed yearly by public officials and select employees within the City. Rye City Code, local law Chapter 15, "Code of Ethics" must be updated to reflect the addition of the Conflict of Interest form.

See attached draft Local Law.

CITY OF RYE
LOCAL LAW NO. ____ 2013

**A Local Law to amend Chapter 15 “Ethics, Code of” §§ 15-2
“Conflicts of Interest”, 15-4 “Disclosure of interest” and to
add § 15-16 “Waiver procedure” of the Rye City Code**

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Chapter 15 Ethics, Code of

§ 15-2. Conflicts of interest.

- A.** Unless otherwise defined herein, all terms shall have the same meanings as set forth in the New York Public Officers Law. No elected official, officer or employee of the city shall have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.
- B.** No member of the Rye Golf Commission or Boat Basin Commission shall be permitted to engage in any business or transaction with the city for pay or for anything of value.
- C.** No elected official, officer, employee, department head or assistant department head (or any spouse/domestic partner of any person holding one of the aforementioned positions) shall be an employee, subcontractor, agent, servant, representative, or hold any other position with a vendor of the city.

§ 15-4. Disclosure of interest.

A member of the Council or any officer, ~~or~~ employee, **department head, or board or commission member** who has a direct or indirect financial interest in any matter before the Council, who participates in the discussion before or makes a recommendation to or gives an opinion to the Council on that matter, shall publicly disclose on the official record of the Council the nature and extent of such interest **and recuse him/herself from the discussion and taking any action on the matter.**

§ 15-5. Solicitation or acceptance of gifts and favors.

No officer or employee shall, directly or indirectly, solicit any gift, or accept or receive any gift having a value of **fifty (\$50) dollars** or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be

expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part, or grant in the discharge of his duties any improper favor, service or thing of value.

§ 15-16. Waiver procedure.

Any officer, employee, department head, or board or commission member may apply for a waiver of the prohibitions set forth in this Chapter by following the procedures outlined in A and B below.

- A. An employee or department head shall apply for a waiver to the City Manager. Any applications shall be in writing. The City Manager has the authority to condition any waiver on reasonable terms. The City Manager shall seek an advisory opinion from the Board of Ethics if he/she needs clarification on an issue. All waivers and advisory opinions shall also be provided to the City Council.**
- B. An elected or appointed official shall apply for a waiver to the Board of Ethics. All applications shall be in writing. The Board of Ethics has the authority to condition any waiver on reasonable terms.**

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Resolution to adopt a Conflict of Interest Form.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the proposed Conflict of Interest Form.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: A Conflict of Interest policy has been proposed with respect to public officials and select City employees. The Conflict of Interest Form would be filed yearly by the Mayor, City Council, Department Heads and Assistant Department Heads. Members of the City Boards, Committees and Commissions would not be required to sign the Conflict of Interest form ** but the Oath of Office card has been updated to note their responsibilities under the City Code of Ethics. Additionally, a new Conflict of Interest form will be added to the City bid packet to be included by all vendors submitting bids for City work as well as a Non-Collusion Statement for any Bid Specification prepared by the City or provided by an outside Vendor.

**** Note the following exceptions for Boards, Committees and Commissions:**

1) The Board of Ethics has suggested that the Board of Fire Wardens should be included

2) Boat Basin and Rye Golf Club Commission members would be included

See attached:

- Draft Conflict of Interest form for Public Officials and select City employees
- Updated Oath of Office card
- Draft Bid Packet Conflict of Interest form for vendors
- Draft Non-Collusion Statement for Bid Packet
- Draft Non-Collusion Statement for Purchase Orders/Claim Forms

Proposed Conflict of Interest Form
required by the following:

- Mayor and Council
- Board of Fire Wardens
- Commission Members of the Boat Basin and Rye Golf Club Commissions
- City Staff positions:
 - City Manager
 - Corporation Counsel
 - Assessor
 - Deputy Assessor
 - Building Inspector
 - City Clerk
 - Deputy City Clerk
 - Comptroller
 - Deputy City Comptroller
 - Fire Lieutenant
 - Boat Basin Supervisor
 - Rye Golf Club Manager
 - Coordinator of Computer Services
 - City Planner
 - Police Commissioner
 - City Engineer
 - DPW General Foreman
 - DPW Assistant General Foreman
 - Recreation Superintendent
 - Rye TV Access Coordinator

CONFLICT OF INTEREST FORM FOR THE CITY OF RYE – 2013

Instructions: Please answer each question legibly and with blue or black ink only. “Not Applicable” is not an acceptable answer for any question. “No” or “None” may be used to answer a question. This form shall be filled out annually and returned to the City Clerk in a sealed envelope.

Applicability: The following classes of officers or employees of the City of Rye shall be deemed “reporting officials” and shall be required to file this Conflict of Interest Form as provided under this section:

- (1) All elected officials;
- (2) All commissioners, including Rye Boat Basin and Rye Golf Commission members;
- (3) All department heads and assistant department heads;
- (4) Board of Fire Wardens and the governing body of the Auxiliary Police.

****** No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or auxiliary police officer.

DEFINITIONS:

Relative - a spouse, domestic partner, child, step-child, sibling, half-brother, half-sister, parent, step-father, step-mother and shall also include any person claimed as a dependent on the New York State individual tax return of the disclosing City officer or employee.

Household Member – any person residing with you in your primary residence.

Financial Benefit - any pecuniary or material benefit including, but not limited to any money, stock, security, service, license, permit, contract, authorization, loan, travel, entertainment, discount not available to general public, real or personal property, or anything of value.

Outside Employer - (1) any person from whom or from which a City officer or employee receives a financial benefit for services rendered or goods sold or produced; (2) any business in which the City officer or employee has an ownership interest of five percent (5%) or more; or (3) any business corporation for which the City officer or employee is a member of the board of directors or is a corporate officer.

Interest – A financial benefit accruing to a municipal officer or employee, or a pecuniary or material benefit accruing to: (1) the municipal officer’s or employee’s spouse, minor children and dependents; (2) a firm, partnership or association of which such officer or employee is a member or employee; (3) a corporation of which such officer or employee is an officer, director or employee; and (4) a corporation, any stock of which is accrued or controlled directly or indirectly by such officer or employee.

I. GENERAL INFORMATION

Name: (Last Name, First Name, M.I.): _____

Spouse: (Last Name, First Name, M.I.): _____

Title of Position: _____ Salaried: Yes _____ No _____

Council, Department, Board, or Commission: _____: Term
Ending: _____

II. REAL ESTATE OWNERSHIP

List the address of each piece of property in the City of Rye that you or your spouse own or have an interest in, other than your primary residence, and the nature of that interest.

ADDRESS

INTEREST

III. FINANCIAL BENEFITS

To the best of your knowledge, have you or any Relative received or solicited a **Financial Benefit** from the City of Rye or appeared before the City of Rye on behalf of another person. Attach additional paper if necessary (only list those gifts/benefits received within the past year).

IV. GIFTS

While in your position with the City of Rye, have you received a gift from anyone with whom you have official dealings valued in excess of twenty five dollars (\$50.00) within the last year?

Yes _____ No _____

Identify any **interest** in any contract involving the City of Rye held by you, your Spouse, or a Relative Household Member(s), or Children. Attach additional paper if necessary.

Vendor

Nature of Contract

V. OUTSIDE EMPLOYER/CONSULTING/OTHER BUSINESS

Do you have an **Outside Employer** or business that conducts transactions/business or is affiliated with the City of Rye? Yes _____ No _____

If yes, state the name, address, and telephone number of your **Outside Employer** or business and nature of the business. Attach additional paper if necessary.

NAME

ADDRESS

NATURE OF WORK

During the past year, has your **Outside Employer** or business solicited a **financial benefit** or appeared before the City of Rye on behalf of another person?

Yes _____ No _____

If yes, state the nature of such activities or matters. Attach additional paper if necessary.

AMENDMENTS/MODIFICATIONS

If, at any time subsequent to filing this form, I become aware that any of the above information is inaccurate, incomplete or otherwise no longer applicable, I will notify the City Clerk of same immediately by filing an amended form.

CODE OF ETHICS

I HAVE RECEIVED, READ AND UNDERSTAND THE CITY OF RYE CODE OF ETHICS AND WILL ABIDE BY SUCH REQUIREMENTS (attached)

Yes _____ No _____

I _____ (print name) HEREBY CONFIRM THAT THIS DISCLOSURE AND FOREGOING INFORMATION IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Reporting Individual

Name of Reporting Individual

FRONT OF CARD

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
CITY OF RYE**



I, _____ do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____ or any other office of the City of Rye according to the best of my ability.

Sworn to before me this ____ day of _____ 20 _____

City Clerk

OVER

• **BACK OF CARD**

You have been given a copy of the City of Rye Code to provide guidance to you in your service to the community. Please focus special attention on Chapter 15, Code of Ethics. The administration of our public service obligations requires that we do our best to prevent potential for conflicts or the appearance of a conflict. If at any time you have any questions, the Board of Ethics can render an advisory opinion on whether a conflict of interest exists or whether an appearance of one exists. Requests can be forwarded through the City Manager's office.

Signature



CITY OF RYE

VENDOR CONFLICT OF INTEREST QUESTIONNAIRE instructions:

Question 1: Enter your name and the name of your business.

Question 2: If you are updating an existing form for a bid or proposal check box 2.

Question 3: Enter the name of the government official or City employee you know where a conflict of interest might exist on the line. If there's none, leave the name of officer blank.

Check "Yes" or "No" in Box A, B, and C

- ☐ **Box A: does the government official or City employee named receive income or money from the company filing the form?**
- ☐ **Box B: does the company (person filing) receive income or money from the government official or City employee, not from the government?**
- ☐ **Box C: is the filer employed by a company or corporation in which the government official or City employee is an officer, or director, or part owner?**
- ☐ **Box D: Describe your employment or business relationship with the government official or City employee. If there's none, write "none" in space D.**

Question 4: Sign and date the Conflict of Interest form



CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with the City of Rye

This questionnaire is being filed in accordance with New York State General Municipal Law § 103 by a person who has a business relationship with the City of Rye.

By request of the City of Rye this questionnaire must be filed by a vendor that wishes to conduct business or be considered for business with the City. They must declare any business affiliation with a government official or City employee.

The form is a mandatory requirement of a submission of any bid, proposal or contract to the City of Rye. Any bid, proposal, or contract submitted without a signed copy of the Conflict of Interest form shall be considered incomplete and will be rejected by the City.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

3 Name of local government officer/City employee with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer/City employee with whom the filer has an employment or other business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer/City employee named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer/City employee named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer/City employee serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer/City employee named in this section.

4

Signature of person doing business with the City of Rye

Date



**NON-COLLUSIVE AFFADAVIT
COMPLIANCE WITH SECTION 103D GENERAL MUNICIPAL LAW
(TO BE SUBMITTED WITH BID PROPOSAL)**

PART 1 STATE OF _____)

PART 1 COUNTY OF _____) ss:

_____,
(Here insert full name of owner, partner, officer, representative, or agent of Contractor)

Being first duly sworn, deposes and says that:

1. He is (Owner, partner, officer, representative or agent) of

(Here insert full name and address or legal title of Contractor)
the Bidder that has submitted the attached Bid;

2. He further states and affirms:

(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any bidder or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(b) A bid shall not be considered for award nor shall any award be made where (a) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the City Council, for its designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder has published price lists, rates or tariffs covering items being procured, has informed prospective customers of proposed or pending publication of new or revised prices lists for such items, or has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph 2(a) hereof.

3. Any bid hereafter made hereunder by a corporate bidder for work or services performed or to be performed by, goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subparagraph (a) hereof, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

PART 1 _____
(Signed)

PART 1 _____
(Title)

Subscribed and sworn to before me this

_____ Day of _____, 20____

_____ Title
(Notary)



NON-COLLUSIVE AFFADAVIT
(TO BE SUBMITTED WITH PURCHASE ORDERS/CLAIM FORMS)

Name: (Last Name, First Name, M.I.): _____

Department: _____

Title: _____

Signing in lieu of (Department Head): _____

I hereby state and affirm that I have no affiliation with the Vendor detailed on the attached
Purchase Order/Claim Form.

Signature of Reporting Individual

Name of Reporting Individual



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: September 11, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Consideration to set a Public Hearing for October 9, 2013 to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER	197
SECTION	1, 43.2

RECOMMENDATION: That the Council set the Public Hearing for October 9, 2013 to amend the City Code.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Concerns were expressed to the City Council that some new residential construction is considered potentially out of scale in size, height, and or bulk. The City Planner drafted changes to Rye Local Law to address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code. The attached was reviewed by the Planning Commission at their August 14, 2013 meeting and was unanimously supported.

See attached draft Local Law to amend Chapter 197, "Zoning" to amend the definition of "STORY, HALF" and the Calculation of Attics in Gross Floor Area.

Christian K. Miller, AICP
City Planner
1051 Boston Post Road
Rye, New York 10580



Tel: (914) 967-7167
Fax: (914) 967-7185
E-mail: cmiller@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE

Department of Planning

Memorandum

To: Rye City Council

From: Rye City Planning Commission
Christian K. Miller, AICP

cc: Kristen K. Wilson, Esq., Corporation Counsel
Maureen Eckman, Building Inspector

Date: August 15, 2013

Subject: **Recommendation to Address House Scale Concerns**

Attached hereto for the City Council's consideration is a draft local law amending the City Zoning Code clarifying the definition of "Story, Half" and changing how attic space is included in the calculation of gross floor area of a residence. This local law was prepared by the City Planner in response to the City Council's discussion at its May 22, 2013 meeting and to address concerns heard by City Council members that some new residential construction is considered potentially out of scale in its size, height and or bulk.

The attached draft local law is supported by the Planning Commission. It will address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code.

Background

The recommendations contained herein build on work and analysis contained a report entitled, *A Local Law Addressing House Scale Concerns*, prepared by the City-Council-appointed House Scale Sub-Committee and the City Planning and Building Departments¹. Based on the recommendations of that report the City Council adopted a local law in 2003 amending the City Zoning Code as follows:

¹ Report is available on the digital documents page of the City's website (www.ryeny.gov).

Recommendation to Address House Scale Concerns

August 15, 2013

Page 2 of 4

- *Building Height.* The maximum permitted building height (measured from the average grade to the mid-point between the roof eaves) was reduced in the R-1, R-2 and MC Districts from 35 feet to 32 feet and the height in the R-3, R-4, R-5, R-6, RT and RS Districts was reduced from 35 feet to 28 feet.
- *Reduction in FAR for Oversized Properties.* The maximum permitted floor area was reduced for properties that exceed 150% and 250% of the minimum lot area of the applicable zoning district. This provisions means that significantly oversized properties are subject to an incremental reduction in their maximum permitted floor area as the size of the lot significantly exceeds the minimum required lot area of the zoning district.
- *Attic.* The definition of attic was amended. Under the 2003 local law fifty (50) percent of the attic floor area was required to be counted in the computation of gross floor area where the floor-to-headroom height exceeds seven (7) feet, six (6) inches and the distance between real or theoretical five-foot high knee walls exceeds seven (7) feet. Prior to 2003, no portion of attic space was included in the calculation of maximum permitted gross floor area of a residence.
- *Voids.* The 2003 Zoning Code amendments required the interior floor area, excluding stairways, with a floor-to-ceiling height in excess of fourteen (14) feet shall be counted twice in the calculation of gross floor area. This provision was added to address concerns regarding residences with large bulk or mass.
- *Basements.* Prior to 2003 basements were not counted in maximum gross floor area of a residence. Under the 2003 amendments twenty-five (25) percent of the basement floor area is included in the computation of gross floor area where the pre-existing grade abutting the exterior of the basement wall has been reduced by more than three (3) feet to create an exposed wall more than seven (7) feet in height and five (5) feet in width. This provision was intended to address residential construction with excessive grade manipulation to expose basement facades to construct garages under the first floor. Exposed foundations can contribute to the bulk and mass of a residence.
- *First Floor Elevations.* The 2003 amendments required that new construction can not have a first floor more than three feet above the pre-existing grade. Requiring a maximum elevation above grade helped reduce the height and scale of a residence.
- *Porches.* The 2003 amendments excluded unenclosed porches at or below the first floor elevation from the computation of gross floor area. Porches are a desirable amenity from a streetscape and neighborhood planning perspective and can help break up the mass and scale of a residence. Prior to 2003 any

Recommendation to Address House Scale Concerns

August 15, 2013

Page 3 of 4

roofed structured (including open porches) were included in the calculation of maximum permitted gross floor area.

Recent Experiences and Recommendations

Ten years after the adoption of the zoning code amendments there continues to be concerns regarding the bulk or scale of residential construction. Building activity in Rye is high. Many residential applications involve substantial renovations or demolition of existing residences and construction of new homes that are significantly larger than the homes they replaced. In many cases the proposed gross floor area of the residences are only a few square feet shy of the maximum permitted floor area.

At the time the 2003 amendments were adopted the New York State Building Code (NYSBC) required habitable space to have a minimum ceiling height of 7 feet, 6 inches. In drafting the 2003 amendments the ceiling height for attic space was defined to be consistent with the NYSBC. Each law was separate, but by making the two regulations consistent one would help enforce the other.

The NYSBC has been amended to reduce the minimum ceiling height for habitable space to seven feet. Often new residential construction will provide collar ties (a horizontal member located between the roof rafters) between 7 feet and 7 feet, 5 inches above the attic floor. This strategic placement of collar ties results in a restricted ceiling height that is not counted as floor area under the City Zoning Code, but is now considered habitable space under the NYSBC. From an enforcement perspective, it would be preferred if the two standards were consistent.

The attached local law changes the ceiling height provision in attics to seven feet. Floor area under roof rafters (not collar ties) having a ceiling height of seven feet or greater would be required to be included in the maximum permitted floor area for a residence. Unlike the current law this floor area would be counted at 100%, not at 50% and there would be no seven-foot minimum width requirement for such floor area to be counted. In addition, the floor area under dormers within attics having a ceiling height of five feet or greater would also be required to be included in the maximum permitted floor area. The attached local law is consistent with existing laws in Greenwich, Connecticut. Attached is a copy of the diagram included in the Greenwich Building Zone Regulations illustrating the conditions for attic floor area to be counted.

The attached local law also addresses concerns related to the scale and height of attic spaces associated with some new residential construction. These areas are often cited as contributing to new construction that is out-of-scale with neighboring properties. Other floor area, such as basements, are typically excluded from the calculation of maximum permitted floor area because they are below grade and do not contribute to house scale concerns.

Recommendation to Address House Scale Concerns

August 15, 2013

Page 4 of 4

Regulatory Impact

Under the draft local law attic floor area would be counted in many instances where today it is not. This will result in some existing properties adopted under the current or former law to become legally non-conforming. This often occurs with changes in the zoning code.

More significantly, it is anticipated that under the draft local law residences will be redesigned to reduce roof pitch and/or eliminate or reduce the size of dormers to avoid attic space from being included in the calculation of gross floor area. From an aesthetic perspective some may find steeper roofs and dormers desirable. Others may disagree and find that the treatment of roofed areas can contribute to creating residences that are perceived as, tall, large and out-of-scale. This was debated quite extensively in the discussion of attic regulation in the 2003 amendments.

The draft local law does not regulate use of attic space (i.e. storage vs. bedrooms) but instead focuses on the exterior impact of attic space, which often has little to do with the interior use. The draft local law also does not regulate access to attics, such as whether attics are accessible by pull-down steps or fixed stairs. Staff would discourage such regulations because they are difficult to enforce and may encourage illegal conversions after certificate of occupancies are issued to create habitable attic space that does not meet all the requirements of the NYSBC.

DRAFT

**LOCAL LAW
CITY OF RYE NO. _____ 2013**

**A Local law to amend Chapter 197 “Zoning”, of the
Code of the City of Rye, New York
to Amend the Definition of “Story, Half” and the
Calculation of Attics in Gross Floor Area.**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. **Article I, *Definitions*, Section 197-1, *Definitions and Usage*, of the Code of the City of Rye is hereby amended to amend the definition of “STORY, HALF” as follows¹:**

STORY, HALF — A ~~story space~~ under a gable, hip or gambrel roof, the gross floor area of which (measured between the wall plates of which on at least two opposite exterior walls extending are not more than two (2) or more feet above the floor of such story) does not exceed, when not more than sixty (60) percent% of the floor area ~~is used for rooms, baths or toilets~~ of the next floor area immediately below.

Section 2. **Article V, *Lot, Floor Area, Height, Yard and Court Regulations*, Section 197-43.2.B, *Attics*, of the Code of the City of Rye is hereby amended as follows:**

B. Attics. ~~Fifty percent~~ The area of the finished attic floor that is seven (7) or more feet below the bottom of the roof rafters ~~floor area~~ shall be counted in the computation of gross floor area only where the headroom height exceeds seven feet, six inches and the distance between existing or theoretical five-foot high knee walls exceeds seven feet. In the case of dormers within attics, whether individual or shed type, the area of the finished attic floor that is five (5) or more feet below the bottom of the roof rafters shall be counted in the computation of gross floor area.

Section 3. **Severability**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

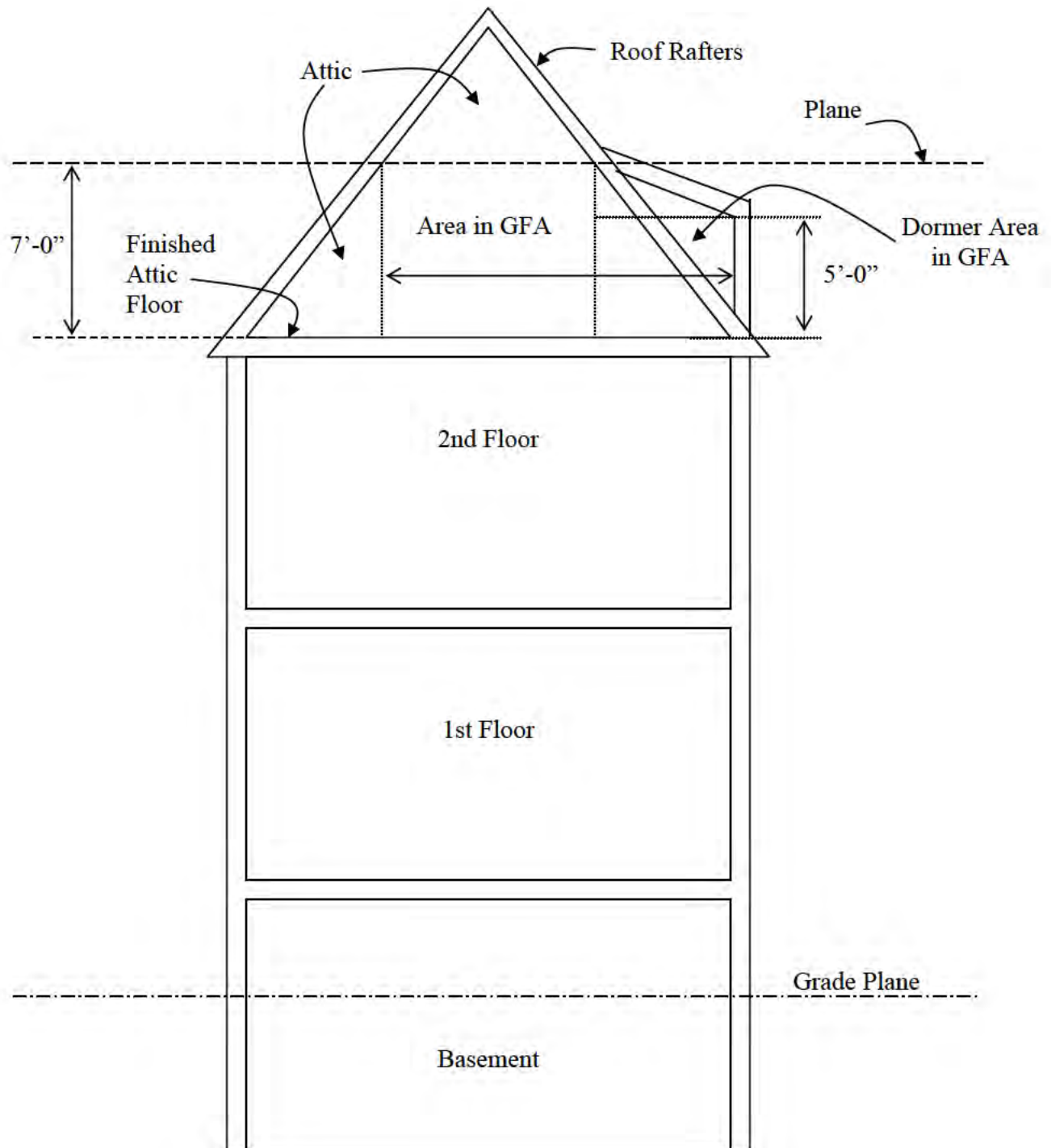
Section 4. **Effective Date**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

¹ All changes to the existing code are shown with underline for additions and ~~striketrough~~ for deletions.

DIAGRAM 2

ATTIC AREA INCLUDED IN GROSS FLOOR AREA (GFA)





CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: September 11, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Consideration to set a Public Hearing for October 9, 2013 to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, "Definitions" to amend the definition of "Small Project" and 2) adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens and to establish a referral process between the BAR and Board of Appeals.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER 53, 197
SECTION

RECOMMENDATION: That the Council set two Public Hearings for October 9, 2013 to amend: 1) Chapter 53 and 2) Chapter 197 of the City Code.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: A proposal has been put forward to amend changes to the Board of Architectural review process regarding the following:

- amend the definition of "small project"; and
- amend the local law to add regulations regarding outdoor fire pits/kitchens and incorporate a referral process from the Board of Appeals to the Board of Architectural Review

See attached Draft Local Laws.

CITY OF RYE
LOCAL LAW NO. ____ 2013

**A Local Law to amend Chapter 53 “Architectural Review”
Section 1 “Legislative findings; definitions” of the Rye City
Code**

Be it enacted by the City Council of the City of Rye as follows:

**Section 1: Chapter 53 Architectural Review; Section
1 “Legislative findings; definitions”**

§ 53-1. Legislative findings; definitions.

SMALL PROJECT

Any addition to or alteration or modification of an existing single- or two-family residence structure:

- (1) For which valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;
- ~~(3) That:~~
 - ~~(a) Has a gross floor area of 300 square feet or less where located in Zoning Districts R-1, R-2 and R-3 and 200 square feet or less where located in all other zoning districts;~~
 - ~~(b) Does not create a second story if none previously existed on the structure; and~~
 - ~~(c) Is less than 15% of the existing floor area of the structure; and~~
- (4) That does not ~~substantially~~ change the appearance visible from the street of any front or side facade or roof.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

CITY OF RYE
LOCAL LAW NO. ____ 2013

A Local Law to amend Chapter 197 “Zoning” Article IV “Use Regulations” and Article VI “Appeals” of the Rye City Code

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Chapter 197 Zoning; Article IV “Use Regulations”

§ 197-9. Accessory uses.

A. Residence districts.

(1) Outdoor fireplaces may be permitted by the Architectural Review Board subject to the following conditions:

- (a) Not be wood burning unless the chimney is attached to the residence.**
- (b) Not be located in a required front yard.**
- (c) Be set back from side and rear yards at least 20 feet in R.1 Districts and 15 feet in all other districts.**
- (d) The outdoor fireplace structure shall not be greater than 8’ in height, measured from grade, if it is freestanding. Attached chimneys shall comply with all other regulations for chimneys in the Rye City Code.**
- (e) Have no floodlighting, directly or indirectly, and all other lighting shall be arranged and shaded as to reflect light away from adjoining premises or a public street.**

ARTICLE VI. APPEALS

§ 197-81. Appellate jurisdiction of Board.

F. Referral to the Architectural Review Board. The City Clerk shall refer all applications for area variances and use variances submitted to the Board of Appeals for review and report. The applicant shall provide one additional copy of the application to the City Clerk for referral to the Architectural Review Board. The Architectural Review Board shall report back to the Board of Appeals within fourteen (14) days of the date of the referral by the City Clerk. Failure to reply within the specified time period may be deemed as indicating no objections to the application. If a report is provided to the Board of Appeals, such report shall be made part of the record in front of the Board of Appeals.

~~F.~~G (previous section F shall be renumbered to G)

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Discussion to amend the Governing Procedures of City Enterprise Funds.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council review the governing procedures of the City Enterprise Funds.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye established two Enterprise Funds by City Council Resolution: the Rye Golf Club and the Rye Boat Basin. The Enterprise Funds are responsible for all costs associated with the operation and maintenance of their respective facilities, including debt service, capital improvements, and administrative fees charged to it by the General Fund. The Boat Basin Commission and the Rye Golf Club Commission serve in an advisory capacity; their responsibilities are outlined in the governing procedures including:

- Role
- Advisory Recommendation
- Responsibilities

DRAFT 8/4/13

Governance Rules and Procedures

of the City of Rye Enterprise Fund Entities

(Rye Golf Club and Boat Basin)

In order to restore the public confidence in the City's enterprise fund entities, the following governance rules, practices and procedures will be implemented for how these entities will be directed and controlled. Enterprise Funds are proprietary funds used to report on activity for which a fee is charged to external users for goods or services, and are operated separately and apart from the City's General Fund. The governance framework will balance the interests of the many stakeholders to include membership, residents and taxpayers, commission members, City Council, City Management and staff. It will encompass every aspect of oversight – budgets, capital plans, policies, internal controls, performance measurement and public disclosure – each reflected below.

1. The Commission.

- (a) *Role.* The Commission shall serve in an advisory capacity reporting to the Rye City Council on behalf of the members of the Rye Golf Club and Boat Basin (the "Clubs") and shall have the responsibilities set forth in Section 1(e) below. Neither the Commissions, any Committee of the Commissions nor any member of the Commissions or member of any Committee thereof, shall have any final authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Clubs.

However, it is intended that the Commissions will have day-to-day advisory oversight responsibilities for the Clubs in conjunction with the City Manager and designate staff, including as set forth in Section 1(e) below. The Commission, in consultation with the City Manager and other City employees, shall oversee and direct the Golf Club Manager and Boat Basin Supervisor and the respective department heads (e.g., Golf Professional, Superintendents, and Restaurant Manager) for the execution, implementation and management of the authorized operations of the Clubs consistent with approved plans, budgets and policies.

- (b) *Advisory Recommendation.* The Commissions shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters, including those that have financial impact, related to the Clubs. The Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g. Golf Professional, Restaurant Manager), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate. Such recommendations shall be made directly to the Rye City Manager and City Council.

- (c) *Monthly Updates and Authorizations for the Council.* A standing monthly agenda item for the Clubs will be added to the regular meetings of the City Council for updates, approvals and discussion on Club operations.
- (d) *Annual Audit.* An annual, independent audit shall be conducted by the City on behalf of the Clubs by an auditor with experience in said operations submitted to the Commission along with an annual public presentation at a regular scheduled meeting of the City Council.
- (d) *Responsibilities.* The Commissions shall:
 - (i) Review, advise on and approve an annual budget and capital plans for the Clubs provided and prepared by staff and any other committees established by the Commissions. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Clubs as well as significant policy changes, prior to timely submission of such annual budget to the City Manager.
 - (ii) Have the authority to recommend changes to the approved budgets to the City Council for review and approval. Any expenditure set forth in the approved budget shall be reviewed in accordance with the procedures set forth in Annex A.
 - (iii) Work with the City Manager in reviewing and negotiating all contracts which will bind the Clubs (other than omnibus municipal contracts) subject to final approval by the City Manager (with input as needed from the City Council).
 - (iii) Have responsibility for interviewing and recommending to the City Manager and City Council, the terms of employment for managers and similar personnel to be employed by or consultant to the Clubs.
 - (iv) Inform the City Manager of any concerns regarding a particular employee's performance and work with the City Manager, as needed, in any disciplinary or termination actions. Commission members *must* escalate to City Manager and City Council any issues related to conflict of interest with respect to the Clubs and its operations.
 - (v) Be provided with monthly operational and financial reports and updates as requested. Updates are to include financials as per specific requests made by the Commissions and/or Council (e.g., golf, pool, mooring fees, boat storage).
 - (vi) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Clubs as they deem appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye

or any published policy of the Rye City Council. Any changes in policies of a substantial nature must be presented to the City Council for approval and authorization.

- (viii) Select a Commission Chairperson.
 - (ix) Upon request, have managers, City employees or other department head designated to the Club provide an update to the Commission and/or Council on operations regarding the Club as requested.
 - (xi) Recommend in conjunction with the City Comptroller, to recommend changes necessary to ensure accurate accounting practices and procedures at the Clubs, and for the Clubs to invest as needed in the proper resources to ensure compliance with financial controls and reporting.
 - (xiii) Have input on what employment positions should be filled as a City employee or as an independent contractor.
 - (xiv) Decide such matters as may be properly brought before the Commission for a decision.
- (d) Commission membership
- (i) The Rye Golf Club Commission shall consist of twelve (12) members. Nine (3) of the members shall be elected by the membership and the Mayor shall appoint with Council confirmation one (1) Council liaison, one (1) member from the City's finance advisory committee, and (1) additional appointment. All members shall be voting members. The two mayoral appointments shall serve two-year terms. All other members shall serve for three (3) years. No member may serve for more than (2) consecutive terms.
- The Boat Basin shall consist of seven (7) members. Five (5) of the members shall be elected by the membership and the Mayor shall appoint with Council confirmation one (1) Council liaison and one (1) member from the City's finance advisory committee. All members shall be voting members. The two mayoral appointments shall serve two-year terms. All other members shall serve for three (3) years. No member may serve for more than (2) consecutive terms.
- As with all City commission and board members, members must read and confirm upon taking oath that they have read the City's conflict of interest policies. Members are expected to attend most meetings to remain in good standing.
- (ii) All Commission meetings shall comply with the Public Officers Law and be posted with agenda materials on the City of Rye website.

- (iii) The Commission can act only if a quorum of members are present and all votes must be approved by a majority of the members in order for any action to be passed.
- (iv) Minutes shall be kept for all meetings.

The Commission may delegate such responsibilities to Committees or others as it shall deem appropriate.

Below are a number of protocols intended to be used in connection with commission responsibilities.

Annex A

Protocols for Certain Oversight Responsibilities

1. Expenditures exceeding \$2,500

Any expenditure exceeding \$2,500 that is outside the approved budget and normal operations shall be reviewed by the Commission for their recommendation in advance of executing the expense. If there is a disagreement with such purchase, the City Manager will make the final determination. All expenses will be reviewed on a monthly basis by the full Commission.

The above procedures may be overridden as deemed by the City Manager in the event of an emergency or a time-sensitive expenditure, but information regarding such expenditure will be provided as part of the monthly report.

2. Contracts where cost to the Clubs will exceed \$2,500

Prior to entering into any contract which will require expenditures by the Clubs of more than \$2,500 annually (other than contracts affecting the City and its agencies generally), a copy of the contract will be provided to the Commissions with sufficient time for review, comment, and recommendation.

The Commissions, in consultation with the City Manager, shall participate in reviewing and negotiating such contracts.

The Commissions will provide comments and approval (or disapproval) as soon as practicable given the circumstances and timing regarding the contract. If there is a disagreement, the matter will come to the Council for approval.

3. Hiring/termination of employees and consultants

Prior to retaining employees, contract personnel or consultants, the managers of the Clubs or authorized persons in the City will consult with the Commissions as to the planned retention.

The Commissions will provide comments and approval (or disapproval) as soon as practicable given the circumstances and timing regarding the contract. If there is a disagreement, the matter will come to the Council for approval.

A similar procedure will be followed with respect to termination of employees, contract personnel and consultants.

While retention or termination of an employee, contract personnel or consultants is within the authority of the authorized person (or General Manager of the Golf Club), the authorized person/body shall consult with the Commissions regarding the potential retention or termination.

4. Reporting Lines/Information

The General Manager/Supervisor (if any) will report to the City Manager with a dotted line to the Commission regarding the operation of the Clubs.

Other managers of the Clubs will report to the General Manager/Supervisor (if any). If there is no General Manager, managers or department heads will report to the City Manager or designated City staff with dotted-line reporting to the Commission.

In the event of any disagreement between the managers/supervisors at the Clubs and the Commissions, such disagreement shall be brought to the attention of the City Manager and the City Council for a final determination.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: September 11, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution to adopt a City of Rye Sustainability Plan.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the Sustainability Plan.

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Sustainability Committee was established in 2010 and were charged to create a Sustainability Plan for the City. The Committee, chaired by Sara Goddard, relied on best practices and were guided by ICLEI's Five Milestones Process including: the completion of a greenhouse gas audit; setting goals; writing the plan; implementing the plan; and monitoring the plan and tracking its progress. The Committee focused on energy; transportation; waste reduction; recycling; water and land use; and community awareness education outreach

See attached City of Rye Sustainability plan.



City of Rye **Sustainability Plan**



LETTER FROM MAYOR DOUGLAS FRENCH



Dear Rye Residents:

We are extremely fortunate in the City that we have a tradition of committed volunteers and professional staff who always come together to solve today's challenges for our future generations. That spirit has made Rye a leader along the sound shore in creating paths of progress. Today, we are pleased to present a sustainability plan for our community.

Sustainable development "meets the needs of the present without compromising the ability of future generations to meet their own needs". The Rye Sustainability Plan outlines our shared goals and policies for sustainable development within Rye's characteristics – and provides a guideline for enhancing and preserving those qualities. Contained within these pages are specific, achievable recommendations, aimed at improving the environmental, economic, and social health of Rye. The Plan's focus is on five key areas:

Energy: Reduce community-wide greenhouse gas emissions, improve energy efficiency, and promote the adoption of renewable energy sources, where feasible.

Transportation: Pursue and adopt measures that will encourage more pedestrian activity, less dependence on vehicle transportation, and increase the use of energy efficient, clean modes of transport.

Waste Reduction: Encourage and support recycling and waste reduction with policies targeted at reducing waste; increasing recycling rates; increasing composting/decreasing land-filling; and increasing the use of green products.

Water/Land Use: Conserve Rye's most precious assets –its natural, open spaces through enforcement



and enhancement of existing laws, by adopting sustainable landscaping practices, and by minimizing environmental pollution. Mitigate flooding and encourage conservation of Rye's waterways and water supply through water saving measures.

Community Awareness/Outreach: Provide open communication between the

City and Rye residents through adoption of the Rye Sustainability Plan. Promote a lifestyle that embraces sustainability principles through educational programs sponsored by the Rye Sustainability Committee, municipal commissions/boards, and/or local civic organizations.

When local governments lead by bringing their services, land use, and infrastructure in line with sustainable principles, the concept of sustainability becomes more fully integrated into our culture. These principles achieve meaningful long-term savings for taxpayers through reduced public and private costs. The sustainability plan will empower citizens, businesses and community groups with the information and tools needed to make the best decisions. Achieving the goals will require an ongoing commitment to sustainability, demonstrated not only through public policy, but also through individual action.

Thank you to the Rye Sustainability Committee, City Departments and supporting organizations for once again, leading the way in an important initiative for our community.

Douglas French
Mayor

LETTER FROM RYE SUSTAINABILITY COMMITTEE



Rye is one of the most desirable communities in Westchester County. It is prized for its excellent school system, vibrant shopping district, and high property values. Yet Rye would not be able to sustain its value without the preservation of its natural environment. Just a few miles from Manhattan, Rye is a refuge from the bustle of New York City. It is situated in one of the most beautiful areas within Westchester, and arguably, the nation. The Rye community is blessed with a host of natural wonders: a spectacular shoreline, abundant beaches, expansive wildlife sanctuaries, and numerous parks and fields.

The real economic value of Rye City is dependent on preserving these natural and open spaces. The encroachment of man-made structures alters the composition of our community, threatening not only the environment, but also Rye's economic vitality.

Faced with a number of complex challenges, including pressures on its natural resources, increasing service demands and limited financial resources, Rye must adapt.

This is our opportunity as a community to decide whether we will tackle the difficult obstacles threatening Rye's preservation for future generations.

We are fortunate to be equipped with a committed and active volunteer base. Indeed, one of Rye's greatest assets is our community spirit and willingness to work together as a team. The Rye Sustainability Plan will act as a guide, mobilizing the community to overcome new challenges, apply new skills and create a different framework.

Sara Goddard

Chair

Rye Sustainability Committee



ACKNOWLEDGEMENTS

Completion of the Rye Sustainability Plan was a collaborative effort among many groups within the Rye community. We would like to thank those individuals for their guidance and support through this process.

Rye Sustainability Committee

- Dan Allen, AIA LEED AP
- Mimi Bateman
- Karen Bresolin
- Melissa Brown-Grieco
- Suzanne Clary
- Julie Engerran
- Sara Goddard, Chair
- Gretchen Kaye-Crowley
- Marci Raab
- Annalise Stack
- Birgit Townley
- Eleanor Militana, Assistant to the City Manager
- Loriel De Caro, Former Chair, CC/AC
- Carolyn Cunningham, Chair, CC/AC
- Tracy Stora, Member, CC/AC
- Nick Hodnett, Member, CC/AC
- Steve Cadenhead, Co-Chair, Rye Shared Roadways Committee
- Maureen Gomez, Co-Chair, Rye Shared Roadways Committee

City of Rye

- Laura Brett, City Council
- Richard Filippi, City Council
- Douglas French, Mayor
- Peter Jovanovich, City Council/Deputy Mayor
- Julie Killian, City Council
- Catherine Parker, City Council
- Joseph Sack, City Council
- Suzanna Keith, former City Council/Deputy Mayor
- Christian Miller, City Planner

Outside Organizations

Civic:

- Chamber of Commerce: Catherine Parker
- Friends of Rye Nature Center: Christine Siller, Executive Director
- Friends of Rye Nature Center: Lisa Sandler, Former President
- Friends of Rye Nature Center: Lauren Donnelly, Education Director
- EAGR: Melissa Brown-Grieco, Co-President
- Rye Garden Club: Kristina Bicher, President

- Rye Garden Club: Sarah Barringer, 2nd Vice President
- Rye Garden Club: Karen Bresolin, former Conservation Chair
- Rye Town Park: Bill Lawyer
- Jay Heritage Center: Suzanne Clary

Education:

- Rye Country Day School: Scott Nelson, Headmaster
- Milton Elementary School: Mimi Bateman, former Environmental Committee Chair
- RCSD: Kathleen Ryan, RCSD Assistant Superintendent for Business
- RCSD: Kendall Egan, Member, RCSD Board

Religious Institutions:

- Rye Presbyterian Church: Cindy Kuster
- Rye Community Synagogue: William DeLynn

Other:

- ICLEI: Eli Yewdall, Program Officer, Membership and Customer Care


THANK YOU

With sincerest gratitude, we would like to thank the following organizations for their generous donations. We also extend our utmost appreciation to Robin Brown-Friedel whose skills and talents transformed a simple text document into an attractive and readable publication.



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Graphic design by

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robinbf@verizon.net 914 320-0041

EXECUTIVE SUMMARY

BACKGROUND

In 2010, the Rye City Council directed three members of the City's Conservation Commission Advisory Council ("CC/AC") to study the feasibility of establishing a municipal sustainability committee. At a September 27, 2010 City Council workshop, the CC/AC members presented their findings, stressing the need for a sustainability committee and the importance of creating a Rye Sustainability Plan to incorporate the City's sustainability goals and initiatives. On October 10, 2010, the City Council passed a resolution forming the Rye Sustainability Committee ("RSC") with nine volunteer members from the community.

Members of the RSC have worked over the last two years to gather information, study best practices, collect and analyze data, and spearhead various initiatives. They have also worked closely with the Mayor, City Council members and staff to obtain information relevant for inclusion in the Plan. In addition, the RSC has organized public events to educate the community as well as gather feedback.

Rye's Sustainability Plan is the result of a collaborative city-wide effort to define a comprehensive, strategic and flexible framework for sustainability. The Plan will provide a framework for achieving critical sustainability goals while conserving Rye's existing natural beauty and robust economy. Our city's unique position as one of Westchester County's most desirable communities depends on preserving its open spaces and maintaining a beautiful shoreline without stifling economic growth. Rye's future economic prosperity relies on conserving





and sustaining its current natural resources. The City needs a comprehensive plan so that Rye will remain a sought-after community for future generations. The Rye Sustainability Plan will form the basis for achieving this goal. It will require periodic updates as Rye grows, technology changes and we reassess priorities.

In addition to the many environmental benefits of sustainable practices, one must also consider health benefits. Simple steps can be taken, such as minimizing ingestion of harmful plastics, buying organic, and limiting our exposure to chemical additives, pesticides and toxins. Larger changes, such as incorporating sustainable design, will help eliminate flooding and storm water run-off, which can contaminate drinking water. Focusing on better building practices will improve indoor air quality while reducing the health risks that are associated with pollutants and harmful chemicals.

The health benefits of sustainable practices are most relevant to children. Environmental exposures of concern for children include, but are not limited to, pesticides, lead, indoor air pollutants, solvents, formaldehyde and arsenic. These hazards are found in our everyday environments and many studies attest to their impact on the growing epidemics of asthma, developmental disorders, birth defects, leukemia, cancer and obesity.¹

Education and awareness of the health benefits of sustainable practices, can guide us to making better choices and protecting our children from unnecessary harm. These choices can be simple, affordable and immediate.

¹ Columbia Center for Children's Environmental Health, <http://ccceh.org/our-research>
Mt Sinai Children's Environmental Health Center,
<http://www.mountsinai.org/patient-care/service-areas/children/areas-of-care/childrens-environmental-health-center/childrens-disease-and-the-environment>

EXECUTIVE SUMMARY

SUSTAINABILITY PLAN OUTLINE

The RSC relied on ICLEI – Local Governments for Sustainability’s Five Milestones for guidance in completing Rye’s Sustainability Plan. (See “ICLEI and the Five Milestones of Sustainability” Section for further explanation.) With the completion of this Plan, we have fulfilled the requirements of Milestone Three.



1. Rye’s Greenhouse Gas Emissions Inventory *(Pages 21-27)*

The first task required establishing a baseline assessment of our community. With the guidance of ICLEI experts and using ICLEI’s Clean Air and Climate Protection software, the RSC established a baseline measurement of Rye’s greenhouse gas (GHG) emissions by conducting an energy audit of all municipal, commercial and residential operations. This information was critical in helping establish goals, set initiatives and target ways to reduce emissions.

Municipal Emissions Inventory: In the selected year of 2009, Rye’s government operations generated 2,777 tonnes of CO₂ equivalent (CO₂e). The City’s buildings were the greatest contributors, emitting 50% of the total emissions. The vehicle fleet contributed 34%, streetlights and traffic signals contributed 15%, and wastewater facilities contributed 1% of government emissions.

Community Emissions Inventory: In the selected year of 2009, the City of Rye emitted 213,397 tonnes of CO₂e. Transportation use was the greatest contributor to GHG emissions at 37% of the total, followed closely by the Residential sector at 34%. The Commercial sector contributed 27%, and waste and municipal sectors each contributed 1% of the community’s total emissions.

2. Areas of Focus *(Pages 28-29)*

With the completion of Rye’s energy audit, the Rye community is now in a position to set goals and implement a plan for Rye. The Sustainability Plan groups these goals and initiatives into five sectors, each sub-divided into community and municipal sections:



- Energy
- Transportation
- Waste Reduction/Recycling/Green Products
- Water/Land Use
- Community Awareness/Education

It cannot be stressed enough that these initiatives are recommendations. Some actions have been completed, some are in progress and some are long-term goals. Over time, these initiatives may need to be revised and refined given budget constraints or changes in the needs of the community. Summaries of each sector follow.

Energy: Reduce community-wide greenhouse gas emissions, improve energy efficiency, and promote the adoption of renewable energy sources, where feasible.

Transportation: Pursue and adopt measures that will encourage more pedestrian activity, less dependence on vehicle transportation, and increase the availability and use of public transportation as well as use energy efficient, clean modes of transport. All these measures will help decrease overall emissions within Rye.



Waste Reduction: Encourage and support recycling and waste reduction by policies targeted at 1) reducing waste; 2) increasing recycling rates; 3) increasing composting and decreasing landfilling and incineration; and 4) increasing the use of green products.

Water/Land Use: Conserve Rye's most precious assets – its natural, open spaces – through enforcement and enhancement of existing laws, by adopting sustainable landscaping practices, and by minimizing environmental pollution. Mitigate flooding and encourage conservation of Rye's waterways and water supply through water saving measures.

Community Awareness/Outreach: Provide open communication between City Hall and Rye residents through adoption of the Rye Sustainability Plan and with the creation of a dedicated, comprehensive sustainability page on ryeny.gov. Promote a lifestyle that embraces sustainability principles through educational programs sponsored by the RSC, municipal commissions/boards, and/or local civic organizations.

3. Implementation and Tracking (Pages 80-85)

Selection and implementation of the numerous initiatives contained in this Plan will be a function of need, budget, timing and preference. The list of possible action items in each sector is lengthy and designed to provide an outline of feasible projects. The Implementation Tables in the Implementation Section summarize each potential item and estimate a time frame – short, medium or long term – for each initiative. Ideally, selection of action items will take into consideration the importance of each sector so that there will be an even distribution of projects among the sectors.

To ensure effective implementation, progress will be closely monitored with periodic updates. Progress reports will be released to the public about the status of initiatives included in this Plan. In addition, the RSC recommends periodic updates to the GHG emissions inventory. Comparing future GHG emissions audits with the baseline year will allow us to determine the efficacy of chosen initiatives. Based on the data gathered from these updates, the RSC will solicit feedback from City Council and the community in order to adjust goals, if needed.

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INTRODUCTION

WHAT IS SUSTAINABILITY?

Sustainable development is development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”² The sustainability plan outlines a community’s shared goals and policies for sustainable development. It embodies the critical elements of a community’s economic, social and environmental characteristics while providing a guideline for enhancing and conserving those qualities. When local governments bring their services, land use, and infrastructure in line with sustainable principles, they can achieve broad benefits for their communities.

What is Sustainable Development?

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs

ENVIRONMENTAL

SUSTAINABILITY

SOCIAL

ECONOMIC

DEVELOPING A SUSTAINABILITY PLAN FOR RYE

1. Why Does Rye Need a Sustainability Plan?

In 2008, the Westchester County Executive released Westchester’s Action Plan for Climate Change and Sustainable Development. The plan identifies strategies to reduce green house gas emissions. It also outlines prescriptive actions for all sectors to reach emission reduction goals. Following the County’s lead, a number of communities³ within Westchester designed their own plans. By adopting and implementing a plan for this community, Rye will become an integral participant in Westchester County’s conservation efforts.

A recent study⁴ by Pace University assessed Westchester communities based on their progress in the Westchester Action Plan’s sustainability sectors: greenhouse gas emissions, energy, transportation, water resources and solid waste reduction. Rye lags behind many towns in its sustainability initiatives.

Another study⁵ by Grassroots Environmental Education and Pace University ranked towns based on their efforts to address environmental and sustainability issues. Rye’s

ranking was below average, with neighboring towns, such as Port Chester, Larchmont and Mamaroneck, ranking higher.

Rye can and must do better. We need to act now to preserve the health of future generations. By making this commitment to sustainability, Rye will also ensure its economic strength. Indeed, as many countries, regions and communities have learned, sustainable development is the key to economic development. Future prosperity will depend on using less resources and reusing what is already available.

Just as economic prosperity is a critical goal for a community’s continued health, so too are its environmental preservation and social development. These components can coexist without undermining the other, but too often, our social and environmental capital is compromised while focusing on economic progress. True prosperity requires maximizing all three.

A sustainability plan will provide a cohesive structure to house all of Rye’s current and planned initiatives. It will be organized, frequently updated and accessible for viewing via the ryeny.gov

² UN, Brundtland Commission 1987

³ Larchmont, Bedford, New Rochelle

⁴ “Climate Adaptation and Mitigation: Westchester Responds to the Changing Future”

⁵ How Green is My Town, Westchester Rankings

website. It will follow a format similar to other communities in Westchester. Most important, the Rye Sustainability Plan - created through the collaboration of all parts of the Rye community - will embody our sustainability goals.

2. Benefits from a Sustainability Plan

The RSP represents a cohesive and unified plan that reflects the community's environmental goals.

The people of Rye are already committed to preserving and enhancing their environment. A walking/biking program, leaf blower regulation, a retail shopping bag law, and no-idling enforcement, are just some of the more recent environmental initiatives.

All of these initiatives and laws face the challenge of compliance. Too often legislation is passed but a law's desired result is not achieved due to inadequate enforcement measures. Ambitious goals can also slide after the initial excitement over a new initiative wanes. Rye's plan will document all existing and anticipated sustainability goals, initiatives and laws, incorporating them into one official document. It will be a reference for the community's sustainability objectives and will include documentation of these goals.

BENEFITS OF SUSTAINABILITY

▲ QUALITY OF LIFE

Improve quality of life by promoting and enhancing Rye's natural beauty.

▲ COST REDUCTIONS

Reducing costs by implementing energy efficient, waste reduction cost saving measures.

▲ HEALTH IMPROVEMENTS

Improving our health by focusing on air quality, water and land conservation measures. Encouraging walking and biking exercise.

▲ TRAFFIC MITIGATION

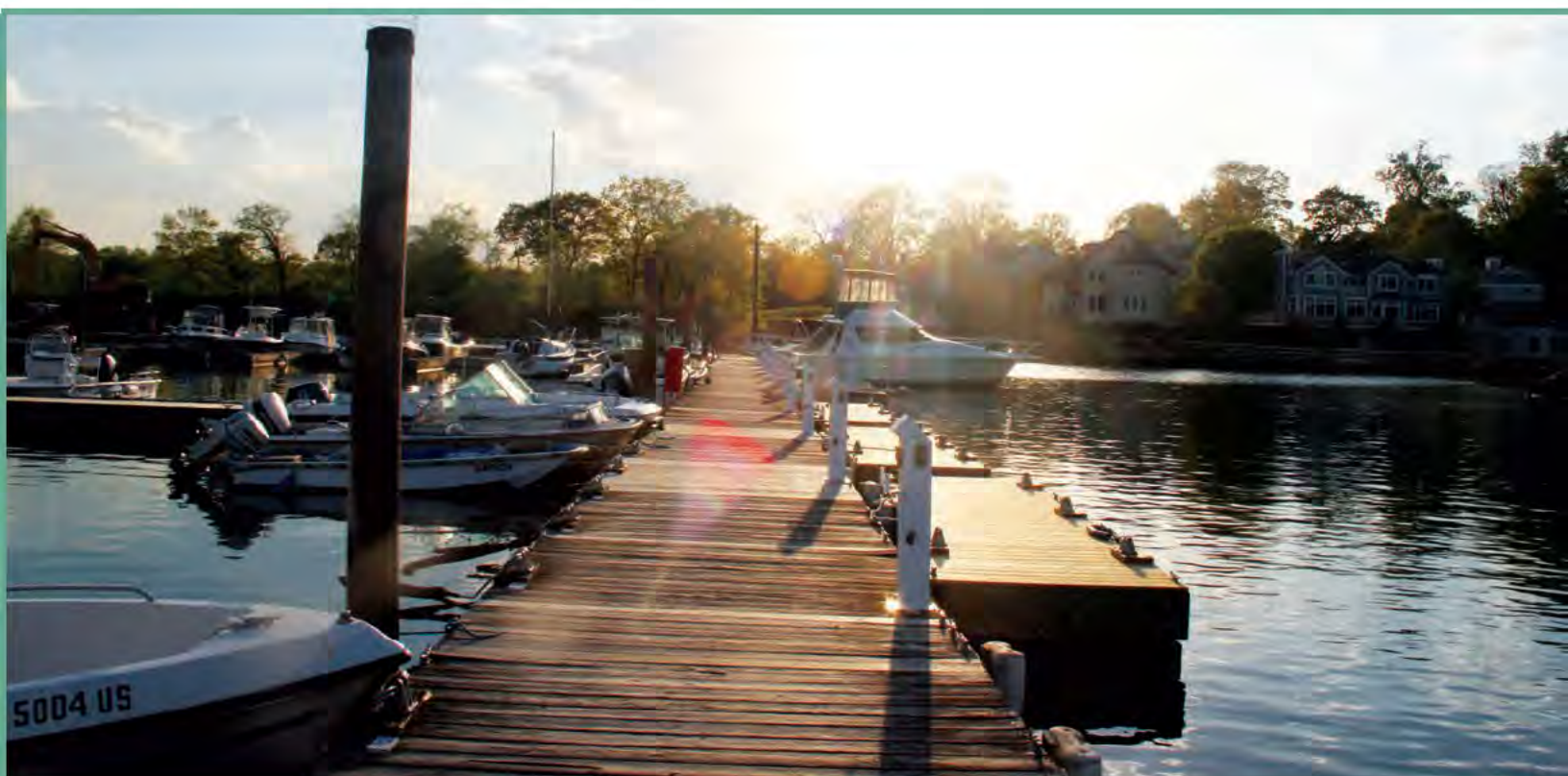
Reducing traffic congestion through more walking and biking.

▲ RYE AS A ROLE MODEL

Providing a model for other communities to emulate.

▲ GREEN JOBS

Attracting new "green" businesses, thereby creating jobs and economic vitality.



INTRODUCTION

CONTEXT FOR SUSTAINABILITY

The sustainability movement grew out of worldwide concerns about the unintended social, environmental, and economic consequences of rapid growth in economies, population and consumption of natural resources.

In response to these concerns, the United Nations organized a Conference on the Human Environment in 1972. The ideas and concepts developed during this conference served as the starting point of the U.N.'s new environmental agenda. The ground breaking "Brundtland Report", which was commissioned by the U.N. and issued in 1987, offered the famous definition of Sustainable Development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This report called for a "Global Action Plan" for "Sustainable Development".

Following that call, 172 governments came together for an "Earth Summit in Rio de Janeiro" in 1992. The result of this mega meeting was "Agenda 21", a detailed plan for achieving Sustainable Development in the 21st Century. Sustainable Development takes into account factors relating to the economy, social equity and also the environment. Following this meeting came the first agreement among nations to mandate country-by-country reductions in greenhouse gas emissions ("the Kyoto Protocol"). This agreement was ratified by most nations in the world and went into force in 2005. It should be noted that the United States withheld its support.

In 1990, ICLEI, was formed. Its members were cities, towns and small government organizations from all over the world looking for expertise and training necessary to implement sustainable development initiatives on a local level. ICLEI USA has hundreds of members ranging from big cities, such as New York City, Chicago or Seattle, to small local government organizations, such as the City of Rye, and our neighbors, Mamaroneck and Larchmont.

Many of the key concepts of sustainable development can be found in the U.S. conservation and environmental laws and it is safe to say that these laws have

encouraged sustainability in some areas here in the United States. For instance, in 1990 Congress amended the Clean Air Act to reduce sulfur dioxide emissions from large coal-fired power plants by 50% over 10 years. The reductions were the result of a cap-and-trade program. However, apart from President Clinton's Council on Sustainable Development (PCSD), which was established in 1993 and

then terminated only six years later, there has been no federal governmental organization responsible for a coordinated sustainable development policy for the United States. At present, most efforts in the field of Sustainable Development in this country are driven by local governments, business/industry, and the educational sector. Most often threats of climate change or the deterioration of ecosystems are the motivating force behind these initiatives.

Despite rapid technical innovations in the clean energy field, such as solar, biofuels, batteries and efficiencies, per capita carbon dioxide emissions in the U.S remain much



higher than typically found in other industrialized countries. What about New York City and Westchester County?

In 2007, New York City introduced a comprehensive sustainability plan, “PlaNYC”, that was designed to make the city greener and more livable. The plan garnered praise from all over the country for its broad scope and pragmatic approach. One of its goals was a 30% reduction in greenhouse gas emissions by 2030 (from 2005 levels). In a recent update the city reported that it had already achieved a 13% reduction in greenhouse gas emissions thanks to initiatives such as stricter energy standards and more eco-friendly vehicles.

Westchester County has had a long history of environmental advocacy. Recognizing that climate change will negatively impact the county’s environment and therefore quality of life, Westchester County formed a Global Warming Task Force. This task force drew up the Westchester Action Plan, which calls for greenhouse gas reductions of 20% by 2015 and 80% by 2050 (from its 2005 base year).



ICLEI AND THE FIVE MILESTONES OF SUSTAINABILITY

Since its inception in 1990, ICLEI has grown to include over 1,200 cities in the world, more than 563 of which are in the United States. ICLEI’s mission is to build, serve, and drive a movement of local governments to advance deep reductions in greenhouse gas emissions and achieve tangible improvements in local sustainability.

ICLEI developed its Five Milestones for Sustainability to guide local governments through the process of developing a sustainability plan. The Five Milestones are defined below and illustrated in Figure 1.

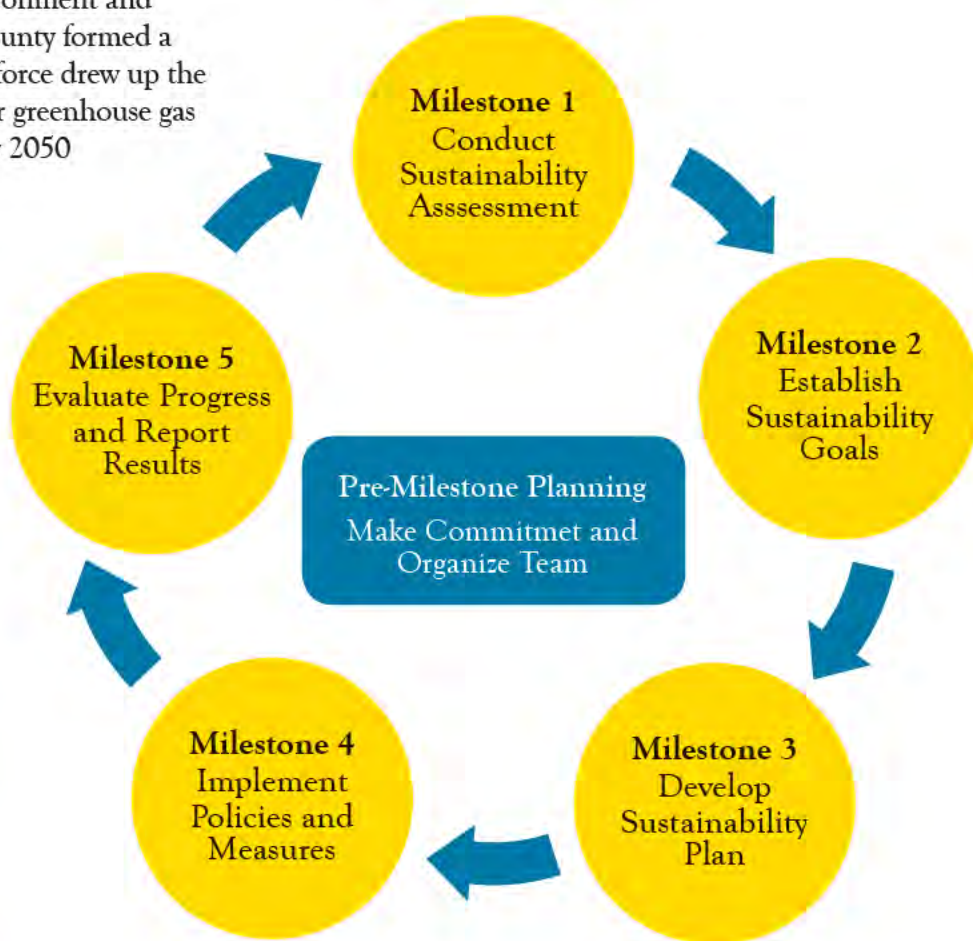


Figure 1: Five Milestones for Sustainability, ICLEI- USA

INTRODUCTION

TIMELINE/HISTORY

2008

City of Rye joins ICLEI

2009

Sustainability task force set up among CC/AC members to study feasibility of a Rye Plan

2010

June –

meetings with area sustainability committees

September –

City Council Workshop presenting findings and recommending implementation of a Rye plan

October –

Resolution passed by City Council for RSC formation



2011

March –

RSC Mayor's Forum on Sustainability

May –

Whitby Castle energy efficiency workshop with Green Home Consulting

October –

First RSC/RCDS Green Screen, featuring “Bag It”

December –

Passage of retail shopping bag ordinance

2012

March –

Completion of GHG Emissions Inventory and presentation of findings to City Council

April –

First Rye Sustainability Celebrates Earth Day

First Joint Sound Shore No Idling Day

RSC receives 2012 EPA Environmental Quality Award

May –

Retail shopping bag ordinance goes in to effect

December –

RSC Receives 2012 RNC Environmental Stewardship Award

2013

January –

First draft of RSP presented to City Council

February –

Second RSC/RCDS Green Screen, featuring “No Impact Man”

April –

Second Rye Sustainability Celebrates Earth Day in conjunction with CC/AC and the Rye Arts Center



Rye
Retail Shopping Bag Law at a Glance

**Don't wait...
Bring Your Own Bag Today!**
Effective May 7th, 2012

Law Applies to All Retail, including: Farmers' Markets Sidewalk Sales Flea Markets Restaurants	Plastic Bags NO	Paper Bags Recycled Content All Sizes OK 40% post-consumer recycled content
Exempt: Non-Profits, residential	Product Bags* OK	Reusable Bags YES

* Product bags made from both paper or plastic for the sale of produce, deli meats, fish and cheese, are exempt from the ban for public health and safety reasons.

BYOB
Bring Your Own Bag
Shop Rye

Please visit ryeny.gov/rsbo.cfm to view details of the new law



GREENHOUSE GAS EMISSIONS INVENTORY



GHG EMISSIONS INVENTORY

INTRODUCTION



When the City Council established the Rye Sustainability Committee in 2010, it made a commitment to taking action on sustainability issues. The RSC's primary mission is to draft a Sustainability Plan for the City of Rye incorporating Rye's unique natural, social and economic characteristics. In consideration of ICLEI's Five Milestones process, the first step requires an analysis of the amount of greenhouse gases emitted by human activity in the City of Rye. With the assistance of ICLEI's proprietary software, the RSC was able to quantify Rye's GHG emissions and thus,

establish a baseline. The ultimate goal will be to reduce GHG emissions through government operations, provide tangible targets for reducing emissions, and inspire change throughout the community.

Presented here are estimates of GHG emissions generated by the entire Rye community, including those resulting from the City's municipal operations. This data will provide a baseline to compare future performance, enabling us to track progress in reducing emissions.

METHODOLOGY

ICLEI's Communities for Climate Protection methodology assists local governments with calculating the relative quantities of greenhouse gases produced by energy and waste-related activities. The GHG Inventory involves performing two assessments: a community assessment and a separate government assessment. The government analysis is a sub-set within the overall community analysis.

1. Sources of Information:



The year 2009 was chosen as the baseline year for the City of Rye's GHG Inventory. For the purposes of conducting the community inventory, the following data was collected from various sources:

■ Municipal:

- Electricity usage figures obtained from Con Edison and NYPA bills.
- Natural gas usage figures obtained from Con Edison bills.
- Actual figures for electricity, natural gas, fuel oil, gasoline and diesel usage were provided by the City of Rye.

■ Residential:

- Includes all residences within the 10580 zip code, excluding those residences in Harrison with 10580 zip codes.
- Electricity and gas usage figures obtained from Con Edison.
- Fuel oil and kerosene usage were estimated by calculating the ratio of the number of homes heating with fuel oil or kerosene in Rye to the total number of homes heating with fuel oil or kerosene in New York State (both figures derived from the U.S. Census American Community Survey) and applying that fraction to total New York State 2009 fuel oil or kerosene usage (as per DOE).
- Wood burning usage was estimated from the number of cords of wood burned per New York State household for households heating with wood (New York State DEC) multiplied by the actual number of Rye households heated by wood (U.S. Census American Community Survey).

GHG EMISSIONS INVENTORY

■ Commercial:

- Includes all commercial and business buildings within the 10580 zip code, not including Playland (owned and operated by Westchester County).
- Electricity and gas usage figures obtained from Con Edison.
- Fuel oil usage was estimated by calculating the ratio of Rye's population to New York State population and applying that fraction to total commercial fuel oil consumed in New York State (U.S. Energy Information Administration).

■ Waste:

- Waste emissions are based on solid waste generated by the City of Rye. Data obtained from Westchester County.

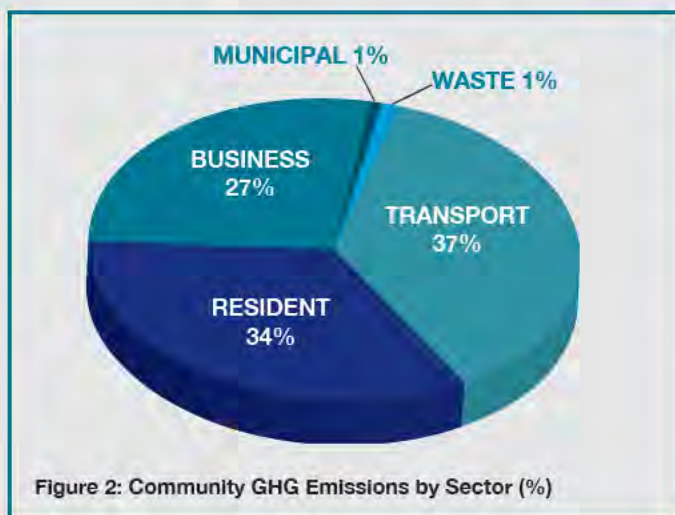
■ Transport:

- Emissions based on the total vehicular miles travelled ("VMT") in Rye. VMT was calculated by multiplying Rye's population by the national average VMT per capita. Data was obtained from the New York Metropolitan Transportation Council, in consultation with ICLEI.

COMMUNITY INVENTORY RESULTS

1. Emissions by Sector

The City of Rye emitted 213,397 tonnes of CO₂e in 2009. Transportation was the greatest contributor of greenhouse gas emissions at 37%, followed closely by the residential sector at 34%. The commercial sector contributed 27% of total emissions and the waste and municipal sectors each contributed 1%. Table 1 shows the breakdown of emissions by sector. Figure 2 shows the percentage of emissions by sector.



SECTOR	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO ₂ e	%	MMBTUs	%
TRANSPORTATION	78,041	37%	975,861	35%
RESIDENTIAL	72,315	34%	1,026,361	37%
COMMERCIAL/BUSINESS	58,295	27%	688,642	25%
MUNICIPAL	2,777	1%	33,896	1%
WASTE	1,969	1%	56,255	2%
TOTAL	213,397	100%	2,781,015	100%

Table 1: 2009 Total Rye GHG Emissions by Sector

The Clean Air and Climate Protection (CACP) software developed by ICLEI was used to convert total energy use into GHG emissions using coefficients according to the type of fuel used. Emissions are thus reported in terms of carbon dioxide equivalents, or CO₂e. For example, methane traps heat 21 times more effectively than CO₂. Therefore, a ton of methane emissions is quantified as 21 tons of CO₂e. This allows for the comparison of different greenhouse gases in equivalent terms. The emissions coefficients and methodology employed by the CACP software are consistent with international inventory standards established by the Intergovernmental Panel on Climate Change and the U.S. Voluntary Greenhouse Gas Reporting Guidelines.



Tons vs Tonnes

A ton ("short ton") is the unit of weight used almost exclusively in the US. It is 2,000 lbs.

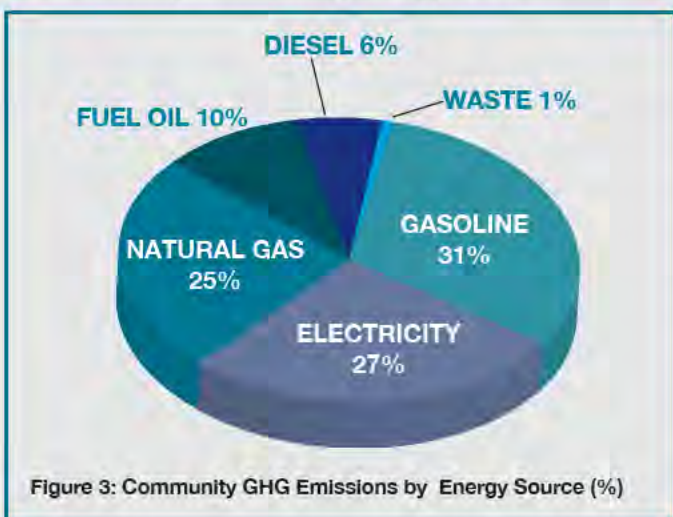
A tonne is the related unit of weight, also called a "metric ton". It is 1,000 kg.

Source: Answers.com

The CACP software is used by over 500 U.S. cities, towns and counties as a starting point for reducing their GHG emissions. However, we should stress that while the CACP software is a sophisticated and useful tool, calculating emissions from energy use with precision is very difficult. The model depends upon numerous assumptions and it is limited by the quantity and quality of available data. The quantity of emissions generated by the model is an approximation of reality, rather than an exact value. While understanding that the model cannot deliver a precise accounting of a community's emissions, it nevertheless is an important tool for establishing a baseline. From this baseline, it will be possible to track progress by conducting future inventories.

2. Community Emissions by Energy Source

Table 2 shows the breakdown of community emissions by energy source. Gasoline accounts for the largest emissions source, at 31%, followed by electricity (27%), natural gas (25%), and fuel oil (10%). Diesel, waste, kerosene and wood energy sources represented less than 10% of the total. Figure 3 shows the percentage of community emissions by energy source.



SOURCE	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO ₂ e	%	MMBTUs	%
GASOLINE	65,826	31%	824,575	30%
ELECTRICITY	57,606	27%	556,655	20%
NATURAL GAS	53,763	25%	916,853	33%
FUEL OIL	20,727	10%	255,601	9%
DIESEL	13,143	6%	162,832	6%
WASTE	1,969	1%	56,255	2%
KEROSENE	328	0%	4,091	0%
WOOD	35	0%	4,153	0%
TOTAL	213,397	100%	2,781,015	100%

Table 2: 2009 Total Rye GHG Emissions by Energy Source

GHG EMISSIONS INVENTORY

MUNICIPAL INVENTORY RESULTS

Government operations emissions in Rye constitute about 1.3 % of the City's total emissions. Local government emissions typically fall between 2 to 5 percent of overall community emissions. As a minor contributor to total emissions, actions to reduce municipal energy use may have a limited impact on Rye's overall community emissions levels. However, municipal action has symbolic value and demonstrates leadership that extends beyond the magnitude of emissions actually reduced.

1. Municipal GHG Emissions by Sector

In 2009, the government of the City of Rye emitted 2,777 metric tons of CO₂e. Buildings and facilities contributed the greatest portion of emissions at 50% of the total. The vehicle fleet accounted for the second largest amount at 34%. Streetlights and traffic signals contributed 15% of total emissions, followed by wastewater facilities at 1%. Table 3 shows the breakdown of municipal emissions by sector. Figure 4 shows the percentage of municipal emissions by sector.



SECTOR	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO2e	%	MMBTUs	%
BUILDINGS & FACILITIES	1,388	50%	17,845	53%
VEHICLE FLEET	926	34%	11,546	34%
STREETLIGHTS & TRAFFIC SIGNALS	423	15%	4,086	12%
WASTEWATER FACILITIES	40	1%	419	1%
TOTAL	2,777	100%	33,896	100%

Table 3: 2009 Municipal GHG Emissions by Sector

GREENHOUSE GAS EMISSIONS FORECAST

Based on the community and government operations emissions inventories developed for Rye for the base year 2009, our next step was to forecast future emissions generated in our community. The emissions forecast represents a business-as-usual prediction of how GHG emissions may change in our community over time.

Assuming a projected 2% growth rate (based on forecasted GDP annual growth rates),⁶ Figure 6 shows the increase in community GHG emissions over 20 years under a business-as-usual forecast.

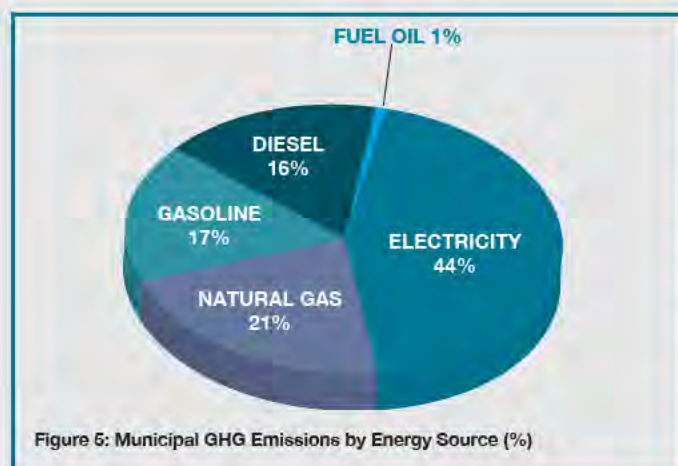
The City of Rye's GHG Emissions Inventory was undertaken to establish a baseline, but also to identify challenges and areas for improvement. We now have data that can be used to prioritize programs, pinpoint opportunities and track progress. Streamlining programs reduces costs, while improving efficiency.

In accordance with ICLEI methodology, we recommend that the City of Rye conduct periodic GHG emissions audits to assess the efficacy of established reduction measures. The 2009 inventory will provide a starting

⁶ Conference Board Outlook for U.S. GDP, 2013 - 2025, <http://www.conference-board.org/data/globaloutlook.cfm>

2. Municipal GHG Emissions by Energy Source

Table 4 shows the breakdown of municipal emissions by energy source. Electricity accounts for the largest emissions source, at 44%, followed by natural gas (22%), gasoline (17%), and diesel (16%). Fuel oil as an energy source represented about 1% of the total. Figure 5 shows the percentage of municipal emissions by energy source.

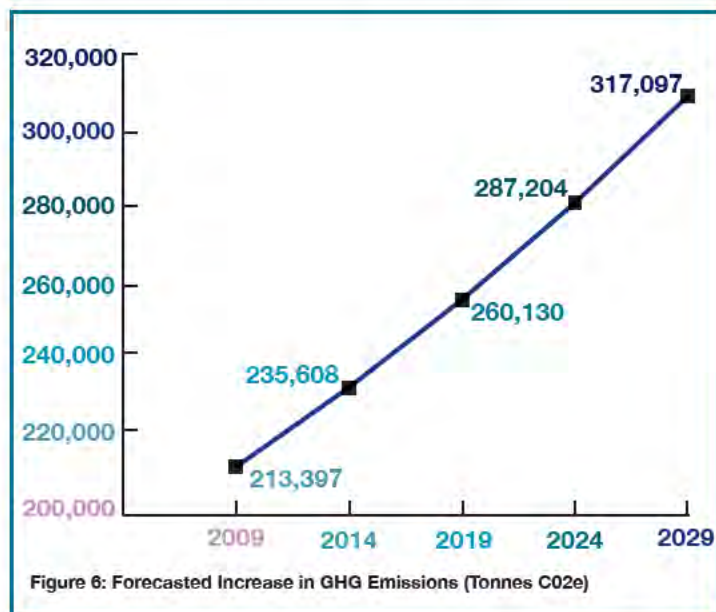


SOURCE	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO2e	%	MMBTUs	%
ELECTRICITY	1,229	44%	11,880	35%
NATURAL GAS	594	22%	10,123	30%
GASOLINE	483	17%	6,048	18%
DIESEL	444	16%	5,498	16%
FUEL OIL	27	1%	347	1%
TOTAL	2,777	100%	33,896	100%

Table 4: 2009 Municipal GHG Emissions by Energy Source

point for comparing the success of these measures, highlighting those programs that demonstrate a quantifiable reduction, while revealing those that may not be as effective. Tracking progress in this way will allow us, over time, to customize and target specific reduction measures based on quantifiable results.

The Areas of Focus section will outline programs – new and existing – in key sectors. The goal is to create a set of initiatives that will improve efficiency by reducing emissions, waste and costs for the community.





OUTLINE

The action plan contained in this section is based on a number of factors, including:

- the results of Rye's GHG Emissions Inventory;
- the Draft Sustainability Plan Outline prepared by the RSC for City Council;
- an assessment of current community activity;
- guidance from ICLEI's on-line resources, including their sustainability plan template; and
- a reliance on best practices through the review of numerous municipal sustainability and climate action plans.

There are numerous action items in each category, intended to provide a menu of options. Some are short-term initiatives, requiring minimal effort and cost,

while others will require more financial involvement and a longer timeframe for completion. The Implementation and Tracking Section contains a table for tracking progress, and outlines the various initiatives, detailing anticipated timeframes.

Each of the following five sectors includes an explanation of the goal to provide background information, a description of current accomplishments, and details of the various initiatives. Although a number of these measures have been completed or are in process, the initiatives contained herein are meant to be fluid. They will be modified as priorities, budget, and preferences change. Periodic updates to Rye's GHG Emissions Inventory will also have an impact on which action item takes precedence over others.



ENERGY



Reduce community-wide greenhouse gas emissions, improve energy efficiency, and promote the adoption of renewable energy sources, where feasible.

SUMMARY

The debate over “global warming” has been tossed back and forth for decades with warnings and dismissals. In the aftermath of Hurricane Sandy, the stakes may be even higher. Following the devastation wrought by Sandy in 2012, New York City’s mayor at the time, Michael Bloomberg, stated simply:

“Our climate is changing. And while the increase in extreme weather we have experienced in New York City and around the world may or may not be the result of it, the risk that it may be – given the devastation it is wreaking – should be enough to compel all elected leaders to take immediate action.”

Between 1906 and 2005, temperatures have risen by 0.74 Celsius worldwide according to data collected by the International Panel of Climate Change (IPCC). While such a change appears modest, eleven of the twelve years from 1995 to 2006 ranked among the warmest years since temperature measurements began in 1850. The greatest temperature changes are being recorded in or around the Arctic Circle. The consequences of this rise in temperature may well have massive consequences for sea levels, the atmosphere and our lives.

There is overwhelming evidence to suggest that climate change is largely due to human activities.⁷ The increasing consumption of fossil fuels on one hand, and massive global deforestation on the other hand, have led to a rapid increase of greenhouse gases over the last 200 years. For example, according to the EPA (U.S. Greenhouse Gas Inventory Report) in 2010, U.S. greenhouse gas emissions totaled 6,821.8 million metric tons CO₂ equivalent. This represents a 10.5% increase over 1990 levels.

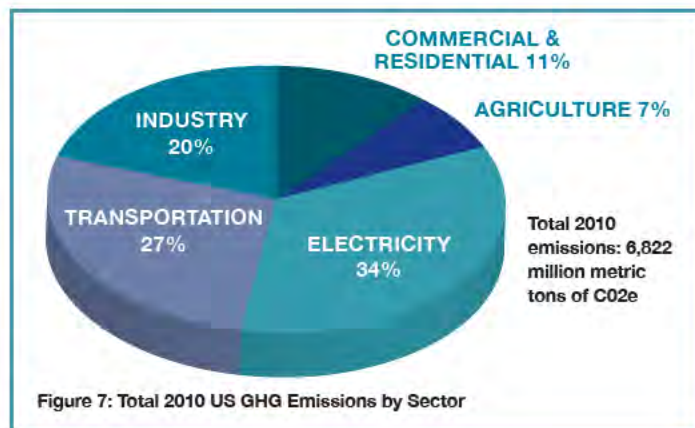
Global warming has been evidenced by significant reductions in glaciers and polar ice levels and accompanying rising sea levels. It also may be linked to increasingly erratic weather that has produced major storms and changing rain patterns, causing record



droughts in some areas and floods in others. In 2011, FEMA declared a record 99 weather related disasters around the United States; evidence that climate change has become a new reality – costly both in economic and public health terms.⁸

Some greenhouse gases in our atmosphere occur naturally and help control the Earth’s temperature. Solar energy arrives in the form of sunlight. While land and water absorb most of this energy, the rest is reflected back into space. As the earth’s surface cools, it gives up energy in the form of infrared radiation. Some of this energy and radiation is absorbed by greenhouse gases in the atmosphere, making the atmosphere warmer. As the atmosphere warms, the Earth’s surface (biosphere) also becomes warmer. The more GHG concentrations in the atmosphere rise, the more heat is trapped and the warmer the Earth becomes.

⁷ IPCC (2007). Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
⁸ Source of data: Boden, T.A., G. Marland, and R.J. Andres (2010). Global, Regional, and National Fossil-Fuel CO₂ Emissions. CO₂ Information Analysis Center, Oak Ridge National Laboratory, U.S. Department of Energy, Oak Ridge, Tenn., U.S.A. doi 10.3334/CDIAC/00001_V2010.



last forty years. Another country that has emerged as a leader in green technology is Germany. Renewable energy, such as wind and solar energy, now represents about 25% of Germany's total energy production. Germany is pushing to develop its renewable energy sector so that it can cover 35% of its total energy needs from renewable sources by 2020. And this share is projected to reach a staggering 80% by 2050!¹⁰

In order to reverse the recent trend of global warming, the City of Rye needs to find ways to reduce the amount of greenhouse gases released into the atmosphere. This can be done through developing and relying more on clean energy sources, making homes and businesses more energy efficient, and improving industrial practices.

Here in the U.S., California has been an environmental trendsetter, spearheading numerous initiatives, including the introduction in 2012 of its instate cap-and-trade program. According to environmental writer, David Biello, by setting limits on carbon dioxide emissions generated by power and industrial sectors, the state is hoping to reach its goal of reducing GHG emissions to 1990 levels by 2020 and to cut them 80% by 2050.¹¹ Emissions allowances are allotted to polluters, and companies whose emissions exceed their allocations must either obtain extra allowances or buy credits from projects that cut GHG emissions.

GHG emissions increase significantly when we burn coal and natural gas to produce the electricity needed to cover our daily energy needs. The burning of fossil fuels is the largest single source of GHG emissions. We need energy to operate our factories to turn raw material into goods and we need energy to heat our residential and municipal buildings and light our streets. Due to economic expansion, global energy use has almost doubled during the last 40 years.⁹ Changes in the level of economic output and fuel prices are all factors that affect the consumption of fossil fuels.

Two startling examples of countries that have worked hard to reduce their reliance on fossil fuels are Denmark and Germany. In 1973, Denmark was almost entirely dependent on foreign oil sources. Through a combination of taxation and incentives, Denmark has managed to become energy independent over the

⁹ International Energy Agency, 2012 Key World Energy Statistics.

¹⁰ German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, General Information Renewable Energy, August 2012.

¹¹ Yale Environment 360: Building Retrofits: Tapping the Energy-Saving Potential, by David Biello

ENERGY

According to an IPCC Special Energy report on renewable energy, approximately 80% of the world's energy supply could be met through renewable energy by 2050. Renewable energy includes bio-energy, direct solar energy, geothermal energy, hydropower, ocean energy and wind energy. This assumes local government support of the development of renewable energy sources through public policy measures. This in turn could amount to a global GHG savings equivalent to 220 - 560 Gigatonnes of carbon dioxide between 2010 and 2050. All this could be a step towards the goal of stemming the increase in global temperature to below two degrees Celsius.

In the United States, we consume 40% of the world's

ENERGY STAR: The EPA introduced ENERGY STAR as a voluntary labeling program to identify and promote energy-efficient products, new homes, commercial and industrial buildings, and design projects for commercial buildings. The program provides businesses and organizations with easy-to-use online tools and resources to help establish energy benchmarks in commercial and industrial buildings.

energy by operating residential and commercial buildings. Retrofitting existing buildings is a cost-efficient way to decrease this energy use. Biello predicts that retrofitting efforts will increase thanks to mounting concerns about GHG emissions and their

impact on the global climate. Innovations in solar thermal and geothermal technologies will further contribute to increased energy efficiencies of buildings.

Scientists are developing technologies that allow for ways to capture carbon dioxide from power plants and factories and store the carbon dioxide in underground caverns. The Energy Star program was developed by the EPA to promote the production and use of energy efficient appliances.



COMMUNITY ACCOMPLISHMENTS

★ The City of Rye **joined ICLEI – Local Governments for Sustainability**, in 2008, demonstrating its commitment to sustainability.

★ The RSC has performed a comprehensive **greenhouse gas audit** of all municipal, residential and commercial facilities based on 2009 data.

★ All replacement traffic signals now include more **energy efficient LED lights**. Where possible, unnecessary and unwarranted traffic signals are being removed. In addition to using electricity and adding to annual operating and maintenance expenses, unwarranted signals

cause unnecessary traffic delays and queuing, which contribute to CO2 emissions.

★ Following a successful education campaign by Environmental Advocates of Rye (EAGR), the City Council passed a **leaf-blower law** in 2008 to help lessen the spread of airborne particulates that can aggravate respiratory diseases, and reduce potential emissions such as

GEOTHERMAL ENERGY:

Thermal energy contained in the earth; can be used directly to supply heat or can be converted to mechanical or electrical energy.

ozone, carbon monoxide, nitrogen oxides and hydrocarbons.

★ In May of 2010, **Rye's Church of the Resurrection School** installed a 24.6 kilowatt **solar energy system**. The school is the first non-residential institution in the City of Rye to install a solar energy system. Mercury Solar Systems designed and installed the system and helped the school secure a grant from NYSEDA, which financed the majority of the project cost.

★ **Jay Heritage** installed an energy-efficient **geothermal heating**, ventilation, and air conditioning system partially financed by federal funds.



ACTION STEPS

1. Reduction in Greenhouse Gas Emissions

Consider committing to the reduction of municipal greenhouse gases by a targeted amount by a specified date. Publicize the City's commitment to GHG reductions to encourage similar commitments from our residential and commercial sectors.

2. Energy Efficiency Retrofits of Municipal Facilities

There are numerous retrofits that can be performed, some more costly and time consuming than others. Selection will depend on budget considerations and prioritization of action items.

- 2.1.** When upgrading or renovating buildings, consider energy efficient practices, such as the installation of: "low flow" plumbing fixtures; automatic sensors on hand basins; upgraded heating and cooling systems; insulation; and windows with newer, more energy efficient models.
- 2.2.** Whenever an incandescent "Exit" sign is replaced, consider replacing with the LED version.
- 2.3.** Evaluate and update heating controls, where necessary. Evaluate changes in building operations and house keeping practices that would conserve energy, such as setting workday thermostats to 68° in winter and 74° in summer (adjusting 8 – 15° when facilities are closed).
- 2.4.** Implement an energy tracking and management system for municipal buildings. For example, new, inexpensive sensors can be placed on air ducts, boilers, chillers, computer rooms, lights, thermostats, water pipes, and other critical infrastructure, providing essential data and allowing optimization of energy efficiency.
- 2.5.** Develop "cool roofs" on municipal properties, and encourage them on commercial and residential properties. Consider a green roof for future parking garage projects.
- 2.6.** Implement and promote a "green purchasing" policy where, when possible, the City will purchase new equipment and appliances that are Energy Star compliant.
- 2.7.** Install computer shut-down (optimization) software on computers.
- 2.8.** The City can encourage the retrofit of green building technologies for commercial and residential buildings by sharing its expertise through the publication of information pamphlets/guides.

CFLs vs LEDs

CFLs: burn relatively cool, producing about 70 percent less heat than standard bulbs. Concern over the fact that these bulbs contain mercury, causing an environmental and health hazard if broken.

LEDs: Operational life of current white LED lamps is 100,000 hours (vs 5,000 for incandescent bulbs). This is 11 years of continuous operation. Using LEDs would virtually eliminate the need for routine bulb replacement. The real strength of LED lighting is its reduced power consumption. A LED circuit can approach 80% efficiency, meaning that 80% of the electrical energy is converted to light energy. An incandescent bulb operates at about 20% efficiency. This alone generates a significant cost savings since LEDs can be used for a decade without burning out.

3. Energy Efficient Upgrades and Retrofits of Lighting

While the upfront costs can be significant, upgrading and retrofitting municipal lighting can reduce costs in the long term by increasing energy efficiency and decreasing the City's carbon footprint.

- 3.1.** When upgrading street, sidewalk and traffic lighting, consider replacing them with state-of-the-art energy efficient lighting.
- 3.2.** Retrofit municipal lighting fixtures and/or replace lamps with CFLs or LED technology (or better, as technology advances).



ENERGY



- 3.3. Where necessary, install lighting occupancy sensors in all municipal buildings.
- 3.4. Decrease average daily time for street lighting operation.
- 3.5. Institute a "lights out at night when not in use" policy in municipal buildings.
- 3.6. Replace municipal holiday/decorative lighting with energy efficient lighting, such as LEDs.

4. Green Building Practices

Adopting green building practices through new legislation, education programs, and incentives can have a significant impact on the environment while increasing energy efficiency and decreasing long-term costs.

- 4.1. Conduct a study of municipal and county green building codes. Consider the applicability of adopting measures for the City, such as: revising building/energy codes to support green building targets; providing incentives for LEED certified construction/renovation projects; and/or encouraging all new residential dwellings to comply with the current NY ENERGY STAR labeled home requirements.
- 4.2. Consider drafting legislation requiring that every new residence sold or transferred must obtain a Home Energy Rating (HER). A HER is a measurement of a home's energy efficiency and can be used to determine the relative efficiency of a specific residence.
- 4.3. Provide a system of recognition for new construction that exceeds minimum standards for energy conservation.
- 4.4. Make training programs on green building/energy code procedures and financing available to City staff.
- 4.5. Include exceptions in the building codes for experimental architectural and energy innovations (beyond current codes and established practices) made by architects and engineers seeking to advance building performance.
- 4.6. Institute an accelerated processing service for projects that demonstrate a higher energy efficiency and/or LEED standard than required by the City code.
- 4.7. Consider the requirement of owner contracted third party inspections to certify all construction meets local and statewide energy codes.

LEED (Leadership in Energy and Environmental Design): an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC). LEED concentrates its efforts on improving performance across five key areas of environmental and human health: energy efficiency, indoor environmental quality, materials selection, sustainable site development and water savings.

5. Renewable Energy

- 5.1. Investigate the feasibility of installing solar photovoltaics (panels, shingles, siding, glass) on municipal facilities.
- 5.2. Investigate the feasibility of installing solar hot water systems in municipal facilities. Solar thermal collectors installed on building roofs can help reduce the cost of making hot water by approximately 50-75%.
- 5.3. Promote community commitment to renewable energy, green building and energy efficiency through various education programs. Provide information to the community about how to access existing energy efficiency and renewable energy funding.

TRANSPORTATION

all part of Westchester County's Clean Air Program

Runnin' on Vegetable Oil™



Pursue and adopt measures that will encourage more pedestrian activity, less dependence on vehicle transportation, and increase the use of energy efficient, clean modes of transport. All these measures will help decrease overall emissions within Rye.

TRANSPORTATION

SUMMARY

A primary obstacle to achieving sustainability is reliance on cars and single occupancy vehicles. According to the EPA, greenhouse gas emissions from transportation accounted for about 27% of total U.S. emissions in 2010, making it the second largest contributor of U.S. greenhouse gas emissions after electricity (See, Figure 7: Total U.S. GHG Emissions by Economic Sector on page 33).¹² GHG emissions from transportation have been on the rise due to increased consumer travel and lack of fuel efficiency improvements. As shown in Figure 8,¹³ GHG emissions from transportation have increased by approximately 19% since 1990. Our country's reliance on personal automobile transport has broader implications beyond GHG emissions. It is a contributing factor to our nation's health problems and it has made us a nation beholden to the fluctuating supply of foreign oil.

In 2012, recognizing the need to halt the increase in GHG emissions from transportation, the Obama Administration announced new standards that would increase fuel economy to the equivalent of 54.5 mpg for cars and light-duty trucks by 2025. It is anticipated that, when combined with previous standards set by the Administration, this policy will nearly double vehicles' fuel efficiency. The Obama Administration estimates total cost savings to consumers from these new standards of more than \$1.7 trillion at the gas pump and could reduce U.S. oil consumption by 12 billion barrels. Commenting on the new agreement, President Obama remarked,

"These fuel standards represent the single most important step we've ever taken to reduce our dependence on foreign oil ... They build on the progress we've already made to save families money at the pump and cut our oil consumption. By the middle of the next decade our cars will get nearly 55 miles per gallon, almost double what they get today. It'll strengthen our nation's energy security, it's good for middle class families and it will help create an economy built to last."

In addition to improving fuel efficiency standards, we must reduce our dependency on cars as the dominant mode of transportation. While personal automobile travel will remain the preferred choice, travel efficiency measures such as commuter, biking, and pedestrian programs will help curtail the increase in GHG emissions. There are a variety of federal and state programs designed to encourage communities to expand transportation choices beyond the personal car. Bike paths, multi-use trails, and improved pedestrian connections are being developed across the country with the assistance of federal and state funding.

According to the GHG Emissions Inventory for 2009, the transportation sector in Rye was the greatest contributor of GHG emissions, estimated at 37% of total Rye emissions. Cars, trucks and SUVs emit



¹² EPA, <http://www.epa.gov/climatechange/ghgemissions/sources/transportation.html>

¹³ EPA, <http://www.epa.gov/climatechange/ghgemissions/sources/transportation.html>



Figure 8: GHG Emissions from Transportation

AQI (Air Quality Index):

EPA calculates the AQI for five major air pollutants regulated by the Clean Air Act:

1. ground-level ozone
2. particulate matter
3. carbon monoxide
4. sulfur dioxide
5. nitrogen dioxide

For each of these pollutants, the EPA has established national air quality standards to protect public health. Ground-level ozone and airborne particles are the two pollutants that pose the greatest threat to human health in this country.



harmful pollutants, compromising the quality of the air we breathe while contributing to a variety of respiratory health problems. Although Westchester County's AQI has declined in recent years, it has had one of the higher readings for New York State, ranking ninth out of 61 N.Y. counties with the highest AQI.¹⁴

There are a number of ways to reduce emissions from transportation vehicles in Rye. One of the easiest solutions is to simply leave the car at home and walk or bike. Unlike many suburbs, Rye is a pedestrian friendly city where access to schools, shopping and residences is all within a short distance. A safe environment with sidewalks and bicycle lanes makes Rye a community where residents could easily reduce driving time in favor of pedestrian activity. Other options are to reinstitute modes of public transportation (buses to train stations, schools), choose smaller, more fuel-efficient models when purchasing a new vehicle, and car pooling.

While personal automobile travel will remain a popular and preferred method of travel, reducing the amount of time in a vehicle can have a significant impact on reducing GHG emissions. It is also the single largest contribution that every individual can make to decrease harmful air pollutants. It is a simple choice that can yield positive benefits for the community and beyond.

¹⁴ USA.com Ranking, <http://www.usa.com/rank/new-york-state--air-quality-index--county-rank.htm?hl=Westchester&hlst=NY>

TRANSPORTATION

COMMUNITY ACCOMPLISHMENTS

★ Established in 2010, the **Pedestrian Safety and Biking Master Planning Committee** reviews and assesses Rye's current transportation system.

★ The city implemented a **bicycle and pedestrian infrastructure plan**, which included the introduction of sharrows lanes on Forest Avenue. The project was funded by a \$20,000 national YMCA grant. In addition, the Traffic and Pedestrian Safety Commission has incorporated visual improvements at the intersection of Forest Avenue and Manursing Way.

★ The City has joined with the YMCA and Safe Routes to School to participate in a series of **initiatives to raise awareness of pedestrian safety**. These include, the installation of Stop signs at strategic locations to allow pedestrian traffic, and the widening of the Old Post Road Bridge.



★ To **promote biking and walking**, the City has increased the number of bicycle racks in Rye's main shopping district.

★ All three Elementary Schools have established a **Walking School Bus Program** to support children walking to school.

★ The first **Joint Sound Shore No-Idling Day** on April 23, 2012 among Rye, Larchmont and Mamaroneck helped raise awareness about the harmful environmental effects of unnecessary idling with a number of activities/events:

- A declaration of Sound Shore No-Idling Day by City Council;
- Police news release about enforcement of the existing no-idling law and the rationale for the law;
- Educational activities for the participating schools;
- Vests purchased for the school traffic guards displaying the



message, "No Idling";

- A new "No Idling" sign erected at the Rye Free Reading Room parking lot; and
- Media coverage of the day and its message.

★ The City uses three **hybrid vehicles** and five police **bicycles** for parking enforcement.

SUSTAINABILITY *in our* GOVERNMENT



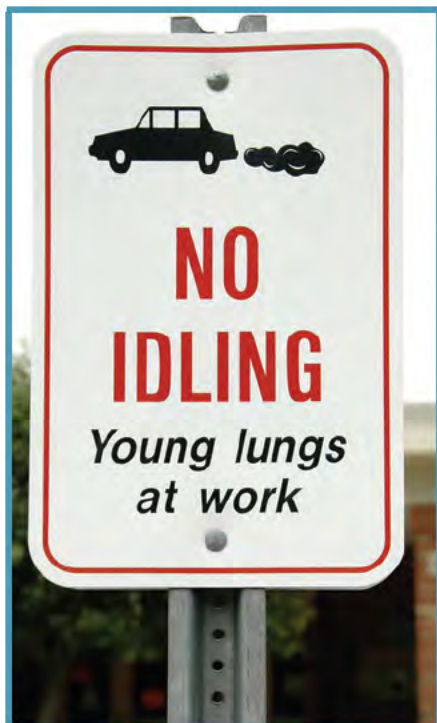
Rye Shared Roadways Committee (RSRC)

The RSRC was formed in 2010 for the purpose of evaluating, recommending and prioritizing ways for Rye City to become a safer and more enjoyable walking and biking community. RSRC accomplishments include:

- A comprehensive report providing a prioritized list of projects to implement when funding opportunities became available;
- Approval for the East Coast Greenway route through Rye; and
- Completion of the Forest Avenue sharrows pilot project.



TRANSPORTATION



Tips for Improving Air Quality

What can I do to reduce air pollution and thereby improve air quality? You, as an individual, can do a number of things, such as:

- Conserve energy
- Drive less, ride your bike or walk
- Carpool
- Make sure your car is well-tuned
- Take care not to spill gasoline when filling the tank of your car, lawn mower or recreation equipment

Source: WestchesterGov.com



ACTION STEPS

1. Municipal

While the City of Rye has demonstrated a commitment to traffic and pedestrian safety and has recognized the importance of reducing vehicle pollution, additional measures will establish the City as a leader in promoting climate-healthy practices. The following suggested action items could help reduce emissions by 1) encouraging less reliance on individual vehicle transportation; 2) shifting to more fuel-efficient vehicles; and 3) switching to fuels that emit less pollution.

- 1.1.** Purchase low sulfur biodiesel for use in Rye's municipal fleet. Using biodiesel reduces pollution, is more energy efficient, and can be purchased at a discount. No conversion of Rye's existing diesel fleet is necessary.
- 1.2.** Encourage car-pooling, van-pooling, and mass transit use by municipal employees.
- 1.3.** Provide municipal employees with public transport travel passes. Provide cycle facilities (showers, lockers, bike racks) for municipal employees.
- 1.4.** When purchasing new municipal vehicles, consider purchasing fuel efficient, smaller, or hybrid vehicles.
- 1.5.** Offer incentives to municipal employees for driving fuel-efficient vehicles, such as preferred parking spaces or reduced parking fees at municipal parking lots.
- 1.6.** Enforce Westchester County's anti-idling laws for City owned vehicles (excluding emergency vehicles).
- 1.7.** Consider the inclusion of a small shuttle bus or trolley route from the Rye train station to Harrison train station, which would provide additional public transportation and provide easy access to the Jay Estate, Rye Nature Center and Marshlands Conservancy as well as other Rye sites of natural and historic value.

2. Community-Focused Initiatives

The community has instituted a number of initiatives, referenced in the Accomplishments Section above, that are designed to encourage walking and biking. The City, assisted by the RSC, and/or other relevant municipal committees, could institute any or all of the following community based initiatives designed to increase pedestrian activity and decrease pollution.

- 2.1.** Infrastructure improvements targeted at enhancing pedestrian activity. Improvements could include:
 - 2.1.1.** repairing sidewalks;
 - 2.1.2.** increasing the miles of sidewalks;
 - 2.1.3.** constructing curb extensions and other safety enhancements at intersections;
 - 2.1.4.** constructing ramps for strollers, wheelchairs; and/or
 - 2.1.5.** creating pedestrian-friendly outdoor areas, which include, landscaping and benches.
- 2.2.** Infrastructure improvements targeted at enhancing biking activity. Improvements could include:
 - 2.2.1.** increasing miles of bicycle lanes, paths;
 - 2.2.2.** adding bike route signing; and/or
 - 2.2.3.** adding more bike racks in central Rye and at the train station.

TRANSPORTATION

ACTION STEPS

- 2.3.** Provide electric plug-in stations with dedicated parking at the train station.
- 2.4.** Offer incentives for driving fuel-efficient vehicles, such as preferred parking spaces or reduced parking fees at municipal parking lots.
- 2.5.** Encourage more reliance on walking and biking, by raising parking prices and/or extending the hours of operation in public parking lots.
- 2.6.** Step up enforcement of existing no-idling laws, including enforcement of residential vehicles, local transit buses and school buses.
- 2.7.** Create an education program or programs, in conjunction with the RSC, Safe Routes to School Committee, and other relevant civic organizations, to encourage more pedestrian activity for school children and their caregivers by promoting the health benefits of walking or biking to school.
- 2.8.** Encourage car-pooling to school by creating an awareness program in the schools.
- 2.9.** Continue partnerships with neighboring communities to advocate for greater enforcement of no-idling laws and promote walk to school programs.



SUSTAINABILITY *in our* COMMUNITY



Jay Heritage Center (JHC)

Successful JHC initiatives include:

- Westchester Cycling Club's Independence Day Ride, hosted by JHC every July for the past ten years with over 100 cyclists of every ability and age in participation. It is part of the JHC mission to encourage use of green transportation and healthy recreation.
- Assisting EAGR with including language on invasive trees in the Rye Tree ordinance based on best practices research.
- Becoming a member of NYDEC's Lower Hudson Partnership for Regional Invasive Species Management (PRISM) documenting the location of invasive species in Rye. JHC has hosted the first IMapInvasives program of its kind in Westchester, training volunteers to map invasive plants, including multiflora rose, honeysuckle, wineberry, garlic mustard and mugwort as well as invasive Ailanthus and Norway maple trees using GPS technology and their smart phones.
- "Our Footprints Matter" program, a component of every JHC school group tour. The program focuses on introducing students and teachers to sustainable habits in daily routines based on the model of the Jay House. Middle school classes of 150 students per session from Rye, Port Chester, Rye Neck and New Rochelle have participated in this program each year through a grant funded by Con Edison.
- Annual Sustainable Landscape Symposium at JHC in concert with The Cultural Landscape Foundation. Past events have featured nationally known conservation and native tree experts, including Tom Wessels, and landscape architect, Thomas Woltz.
- Annual JHC Horticulture Lunch, which features a different sustainable topic and speaker each year.
- Being designated a National Public Lands Day site with volunteers removing invasive plants at the Jay Estate.
- Deer Management Study and Plan - Habitat and landscape conservation is a sound component of any municipal sustainability plan. Administrators from the City of Rye in conjunction with NYDEC, Westchester County Parks and Conservation and the Jay Heritage Center recognized in 2013 that a strategy for studying and managing Rye's growing deer population was a priority but must be tailored to fit the size and specific needs of our community. Using New York State's Deer Management Plan as a reference resource and with input from neighboring towns and other programs like the Deer Alliance of Fairfield County, the City of Rye hopes to first gather extensive data about deer densities in Rye and their range of movement before taking any action to manage herd sizes.



WASTE REDUCTION & RECYCLING



Encourage and support recycling and waste reduction by implementing policies targeted at 1) reducing waste; 2) increasing recycling rates; 3) increasing composting and decreasing landfilling and incineration; and 4) increasing the use of green products.

WASTE REDUCTION & RECYCLING

SUMMARY

The waste sector contributes a small amount (approximately 1%) of GHG emissions in Rye. Although a small percentage in Rye, the proliferation of waste in our region, state and nation is still accumulating at alarming levels. Americans lead the industrialized world in waste generation, producing on average 4.5 pounds per person per day of waste. New York has approximately 30 landfills accepting around six million tons per year of waste from across the state.¹⁵ Although there has been a slight reduction in the rate of growth in recent years, the amount of Municipal Solid Waste (MSW) has increased steadily nationwide since 1960.¹⁶ Of that, only 30% of MSW generated is recycled annually.¹⁷

The build-up of excess waste causes a multitude of environmental problems, most notably the pollution of soil and groundwater from contaminated landfills. Chemicals, hazardous materials, and numerous toxic products – medicines, paints, insecticides, batteries – are frequently included in the waste stream, threatening the safety of our air, water and possibly, the food we eat. In

addition, decomposing landfill waste produces methane gas, a significant contributor to GHG emissions. Aside from the environmental implications, disposing of solid waste is a costly business, with increased costs to municipalities in trucking and disposal fees.

The solution – to reduce waste at the source – is tremendously effective and simply a matter of changing ingrained habits. Recycling, including composting, is also effective in diverting waste away from landfills and helping reduce GHG emissions. In 2000, for example, recycling resulted in an annual energy savings of at least 660 trillion BTUs, which equals the amount of energy used in six million households annually.¹⁸

The good news is that there are numerous simple, low cost, but effective ways to stem the build-up of waste. Following the principles of reduce, reuse and recycle, it is possible to make significant improvements in waste reduction with minimal disruption to daily life. The challenge is to mobilize community support through education and awareness initiatives, while setting an example for change within City Hall.

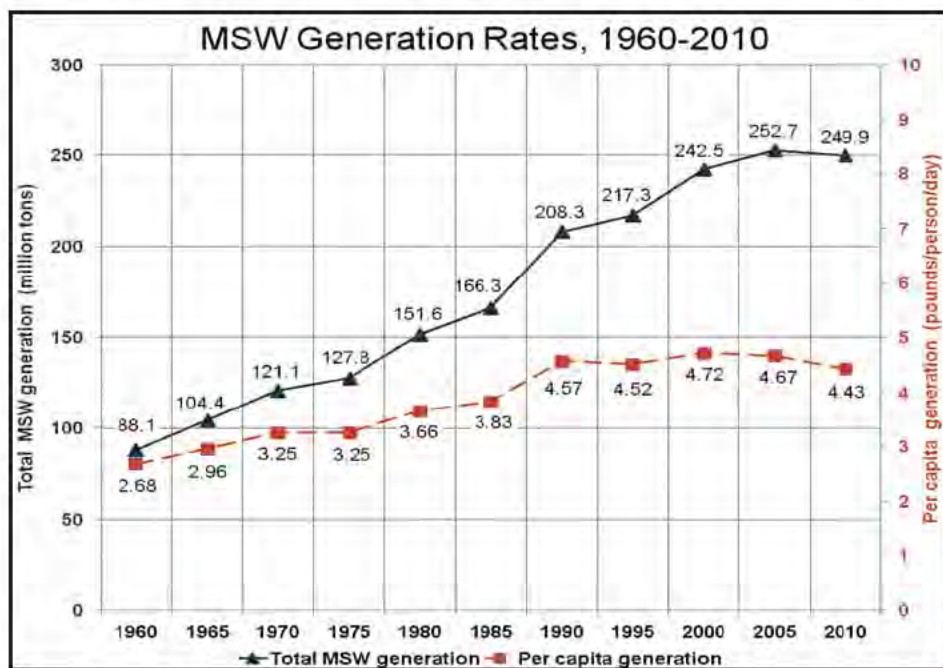


Figure 9: MSN Generation Rates

Source: EPS.gov

¹⁵ NYDEC Recycling and Composting Page, <http://www.dec.ny.gov/chemical/294.html>

¹⁶ EPA Region 7 Solid Waste Page, http://www.epa.gov/region7/waste/solidwaste/reduce_waste.htm

¹⁷ EPA Clean Energy Page, <http://www.epa.gov/cleanenergy/energy-and-you/affect/municipal-sw.html>

¹⁸ EPA Region 4: Resource Conservation Challenge Page: <http://epa.gov/region4/recycle/faqs.htm>

Benefits of Reducing Waste

The benefits from waste reduction, reuse, recycling and composting efforts include:

- energy savings
- pollution reduction
- reducing the ultimate volume of waste requiring disposal in landfills and Waste-to-Energy facilities
- fostering an environmental ethic among citizens
- increased carbon sequestration
- conservation of natural resources

Source: NYDEC

COMMUNITY ACCOMPLISHMENTS

★ In 2011, the City of Rye was the first municipality in Westchester County to pass a **retail shopping bag law**, banning all plastic shopping bags distributed at the point of sale. It has since become a model for other Westchester communities.

★ The City of Rye was Westchester County's 2011 **top municipal recycler** with a 32% curbside recycling rate.

★ The City actively advertises **County-wide material collection days** for residents' hazardous waste.

★ The DPW has purchased two **solar powered public trash compactors** ("Big Bellies"), which are in use on Purchase Street.

★ The City and/or its contractors **recycle asphalt millings** from municipal paving and roadway projects.



WASTE REDUCTION & RECYCLING

ACTION STEPS

1. Municipal

As a leader in recycling and waste reduction, the City can set an example for the community by promoting best practices and continuing its waste reduction efforts. Any or all of the following action steps could be implemented to further reduce waste while cutting costs.

- 1.1.** Promote Rye's recycling record, using its reputation to encourage continued recycling programs and to set more aggressive goals/targets.
- 1.2.** Increase the number of recycling bins throughout Rye. Consider purchasing more solar powered public trash compactors ("Big Bellies").
- 1.3.** Institute a municipal office waste management system targeted at reducing excess waste of paper, supplies and bottled water, while cutting costs.
- 1.4.** Evaluate municipal purchasing policies of cleaning products to identify areas where green products can be used. Use products that release only low volatile organic compounds (VOCs) to reduce air pollution.
- 1.5.** When undertaking a painting project, use low VOC paint.
- 1.6.** Institute an educational program to encourage restaurants and residences to recycle grease waste. The program would demonstrate the financial benefits of this type of recycling and explain how collected grease can be refined into biodiesel fuel.
- 1.7.** Consider implementing an awareness campaign about the harmful environmental effects of specified harmful chemicals. Examples could include aerosols, floor polish, VOC paint, chemical paint strippers, toxic chemical products or pesticides. Identify one hazardous chemical product currently used in municipal facilities, identify the dangers posed by using this product, and make a commitment to reducing or eliminating use of the chemical. Offer environmentally preferable alternatives to the chemical version. Publicize the City's decision, encouraging Rye residents to follow City Hall's lead.
- 1.8.** Provide information on the ryeny.gov site regarding County/State recycling laws, composting education programs, green products, environmentally preferred local vendors, and other relevant information pertaining to waste reduction.

2. Community-Focused Initiatives

The following community-based initiatives are targeted at educating the public about the environmental consequences of excessive waste, while highlighting the cost benefits of reducing waste. The RSC would take an active role in initiating a number of the educational campaigns listed below.

- 2.1.** In conjunction with the RSC and local civic organizations, organize periodic Zero Waste Days, similar to those organized by neighboring communities, including the Town of North Castle. On the specified day, residents would drop off their unwanted items – household furniture, clothing, e-waste, used bikes, scrap metals - at a designated location for donation or recycling.
- 2.2.** In conjunction with the RSC and relevant civic organizations, implement an awareness program to encourage deconstruction of buildings and homes for donation to green deconstruction organizations.
- 2.3.** In conjunction with the local schools and civic organizations, such as the Rye Garden Club, Rye Nature Center, and Little Garden Club, establish/continue volunteer programs to pick up litter in public places.
- 2.4.** Consider adopting some or all of the recommendations contained in the 2012 Rye City



Finance Committee report on the Sanitation Department. Consider a Pay as you Throw Program to encourage recycling, home composting and to reduce costs.

- 2.5.** Consider developing an annual community award program for recycling and reduction of waste.
- 2.6.** Promote community composting through education and awareness programs. Emphasize the benefits of composting as a method for decreasing waste while reducing waste collection costs.
- 2.7.** Expanding on the RSC's reusable bag campaign, initiate an education campaign to encourage the community to reduce its consumption of single-use disposables – bottled water, plastic bags, styrofoam containers - and offer solutions for using more durable products.

WASTE REDUCTION & RECYCLING

SUSTAINABILITY *in our* COMMUNITY

Rye Chamber of Commerce



The Rye Chamber of Commerce has supported many initiatives over the years that have focused on environmental sustainability. In 2008, we advocated for recycling bins to be purchased for our downtown shopping district. With that purchase of twenty bins, and the addition in 2012 of a solar-powered Big Belly trash compacter, Rye has a recycling rate of 70% of all trash, which is among the top rates within Westchester County.

At the start of 2011, the Chamber of Commerce, in partnership with the Rye Sustainability Committee, began the process of opening dialogue within the business community to discuss the pros and cons of a ban on plastic shopping bags. By November, the business community was firmly endorsing the move, and in June 2012, the law prohibiting most plastic shopping bags went into effect, making Rye's law the first of its kind in Westchester County.

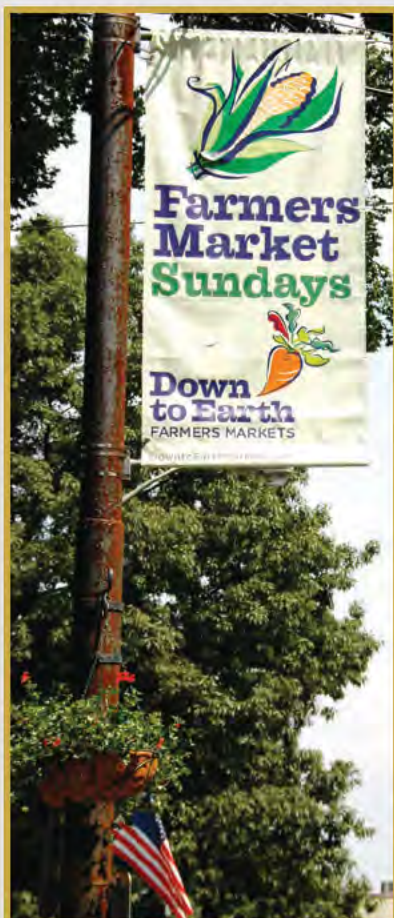


SUSTAINABILITY *in our* COMMUNITY

The Rye Chamber of Commerce also sponsored a "Ride or Walk to Work Day" in 2011 and 2012 to encourage the business community to leave their gas guzzlers at home. Given that spring has been a little late in arriving for 2013, we expect this program to be continued later in the year. Additionally, the Chamber has organized several clean up days over the years to be good environmentalists and neighbors.

For the last six years, The Farmers' Market has been sponsored by the Rye Chamber of Commerce. A Farmers' Market encourages reducing the carbon footprint by bringing locally farmed produce to the community and is enjoyed by many in and around Rye.

Lastly, our Rye business community has many individual businesses which have taken steps to be more environmentally sensitive. Many have replaced old fluorescent lighting with new LED lights. We even have one business whose mission is resale of previously owned clothing and items. Talk about reduce, reuse, recycle - it hits the mark!



WATER/ LAND USE



Conserve Rye's most precious asset – it's natural, open spaces – through enforcement and enhancement of existing laws, by adopting sustainable landscaping practices, and by minimizing environmental pollution. Mitigate flooding and encourage conservation of Rye's waterways and water supply through water saving measures.

WATER/LAND USE

SUMMARY



Preserving Rye's open spaces is of critical importance. Land is the source of natural and renewable resources but we - as residents, business owners, and public officials - depend on its sustained value as a real asset. The natural beauty of Rye is a source of economic strength, attracting new homeowners and businesses, while increasing property values for all.

Maintaining a clean supply of water is self-evident, but the Rye community has a special responsibility to protect its waterways, wetlands and water bodies. The City is situated within one of Westchester County's six watershed areas and is located on one of the County's two estuaries, Long Island Sound. In addition to its designation as an Estuary of

Non-Point Source Pollution

Non-point source pollution is polluted stormwater runoff containing sediment, fertilizers and pesticides, petroleum, heavy metals, and wastewater from failing septic systems. These pollutants are often carried by runoff to streams, rivers, and Long Island Sound. They are a serious problem that can only be kept under control by changes in the way we use the land and how we maintain our homes and automobiles.

Source: WestchesterGov.com

National Significance, the County has deemed Long Island Sound a critical environmental area. Containing stormwater run-off from non-point source pollution is of utmost importance to the preservation of the surrounding area's wildlife, aquatic life and human health. Stormwater has been

identified by the EPA as a major contributor of pollution to water sources and flooding.

While Rye remains an attractive community for its residents, it is also a popular destination for visitors, who enjoy the parks, beaches and wildlife preserves. As such, Rye's economy is dependent on preserving the health of Long Island Sound, shoreline and open spaces.

COMMUNITY ACCOMPLISHMENTS

★ Rye City's municipal committee, the **Conservation Commission Advisory Council CC/AC**, advises City Council on the regulation, use, improvement, and maintenance of conservation facilities and programs. It also advises the City Planning Commission on the impact of proposed construction on any existing wetlands.

★ The City established a **Flood Committee** to advise City Council and assist the City in the implementation of the City's flood mitigation plan.

★ The first phase of the City's flood mitigation plan, the **Bowman Avenue Spillway Sluice** gate, was installed in 2013. The sluice gate will

regulate upstream water flow to help flood mitigation efforts.

★ The Rye Golf Club applies **green lawn practices** for the property by making its own compost tea fertilizer for the golf course.

★ The City hosts a **weekly farmers' market** every Sunday from November through May.

★ The Green Team of the Rye Community Synagogue has established a **Community Sponsored Agriculture (CSA) program in Rye**, offering organic produce from a local farm.

★ Local civic organizations help **educate the community about land and water** use through a variety of programs:

- The Rye Nature Center has produced an educational video on storm water management.
- The Rye Garden Club's conservation committee has implemented a number of educational programs for Rye students; provides conservation tips and information with its Green Space column in the Rye Record; and educates its members on conservation by organizing conservation - related trips/meetings.
- EAGR has promoted green landscaping practices and advocated for an update to the City's tree ordinance.
- ★ In April 2013, the RSC participated in the **Rye Arts Center, Rye Rocks Earth Day** event, promoting healthy landscaping practices, composting, and Leave Leaves Alone initiatives.



WATER/LAND USE

ACTION STEPS

1. Municipal

Given the devastating flooding caused by the increasing trend in powerful storms in our area, a substantive and comprehensive flood/storm water management program is essential. The City has taken first steps but more can be done to mitigate future risk. In addition, the City can set an example for the community by undertaking conservation efforts to reduce excessive water use and promote healthy landscaping practices.

- 1.1. Implement a storm water management program and update the storm water laws, where necessary. Work with neighboring communities to achieve an integrated plan.
- 1.2. Expand on the City's use of sustainable landscaping practices by committing to pesticide-free or pesticide-reduced, organic landscaping of public property. Investigate ways to create an integrated pest control management (IPM) plan for all City open spaces which would rely on pesticide-free practices for controlling pests. Promote the City's commitment to sustainable grounds maintenance by providing relevant information about the City's green practices on the City's website.
- 1.3. When replacing toilets in municipal buildings, consider installing high efficiency models and/or waterless urinals, which will result in saving thousands of gallons of water per year.
- 1.4. To restrict water flow, consider replacing the aerators on faucets, an inexpensive retrofit that conserves water and reduces costs. When replacing faucets in municipal buildings, consider installing water efficient models with sensors.
- 1.5. Conduct a study of land preservation zoning laws in neighboring communities to assess whether Rye's current laws are at the forefront and designed to preserve Rye's open spaces. Enforce the current zoning laws to discourage excessive paving of non-permeable surfaces and encourage tree planting.
- 1.6. Review current City landscaping practices to reduce the need for excessive irrigation, pesticides and/or gas powered maintenance equipment. Low maintenance landscaping, including weather-controlled irrigation systems, will reduce labor and material costs while benefiting the environment.
- 1.7. Review the current tree permitting/conservation codes to determine whether they need to be updated.
- 1.8. In conjunction with encouraging tree planting and preservation on private property, launch a campaign for soliciting private donations to a City tree fund.
- 1.9. Plant shade trees in and around parking lots and government buildings to reduce energy required to heat and cool buildings.
- 1.10. Consider the use of green roofs, rain barrels, underground cisterns for City properties to reduce run-off.

Green vs Gray Infrastructure

Gray Infrastructure: the system of pipes and ditches that channel storm water.

Green Infrastructure: harnessing the natural processes of trees and other vegetation to carry out the functions of built systems. Examples include:

- Bio-swales
- Rain gardens/cisterns
- Phytoremediation
- Green roofs
- Permeable pavements

Green infrastructure has been shown to be cheaper than Gray.

Source: e360.Yale.edu

Hurricane Sandy- 2012



WATER/LAND USE



2. Community-Focused Initiatives

- 2.1. In conjunction with the RSC and local environmental organizations, including garden clubs, EAGR, and the Rye Nature Center, initiate an awareness campaign to educate homeowners about the harmful effects of pesticide/fertilizer use on lawns, while offering natural, safe alternatives.
- 2.2. In conjunction with the RSC and local civic organizations, initiate an education campaign to promote tree planting on private property, emphasizing the benefits of trees for reducing flooding and absorbing carbon emissions, while increasing home property values. Some of the elements of the campaign could include:
 - 2.2.1. Conducting a City tree inventory;
 - 2.2.2. Developing an awards program for owners of significant trees;
 - 2.2.3. Compiling a list of City-certified or approved arborists; or
 - 2.2.4. Providing tree maintenance tips for private tree owners.
- 2.3. Encourage businesses and residents to use sustainable drainage techniques, such as rain barrels, rain gardens, bioswales and green roofs to reduce storm water runoff.
- 2.4. In conjunction with the RSC and local civic organizations, initiate an education campaign on composting, highlighting the benefits of composting for healthy lawn maintenance, while identifying the cost reductions that arise from decreases in lawn/household waste.
- 2.5. In conjunction with the RSC, local civic organizations and neighboring municipal environmental committees, launch a Leave Leaves Alone Initiative to educate the community about the financial and environmental benefits of leaf mulching-in-place programs. Provide information via the Rye City website, and/or informational pamphlets, workshops, on how residents can save time and money by shredding and leaving leaves on their lawns, and how the municipality can reduce trucking costs.

SUSTAINABILITY *in our* GOVERNMENT



Conservation Commission/Advisory Council

The CC/AC manages the City's conservation facilities and programs. It undertakes the following activities:

- Assists in the administration of environmental regulatory activities;
- Provides educational materials related to environmental issues;
- Inventories its natural resources;
- Retains professional consultants, when necessary;
- Provides public services by fostering citizen involvement in local and regional environmental issues.

The CC/AC fosters and encourages public participation in recycling, administration of the municipality's tree ordinance, keeps residents informed about environmental issues and assists the Friends of the Rye Nature Center in fulfilling its mission.

WATER/LAND USE

SUSTAINABILITY *in our* COMMUNITY



Environmental Advocacy Group of Rye (EAGR)



Since its formation in 2007, EAGR has become a grassroots force. Its mission is to identify areas of environmental concern that impact the citizens of Rye. It advocates through education and awareness campaigns, utilizing the services and full force of government and ordinances, the people of Rye, as well as other involved partner organizations.

EAGR believes that the protection of our local natural resources and environmental landscape ensures a healthier and safer community. This improves quality of life, and preserves the intrinsic character of our town for all residents.

Successful EAGR campaigns to date include:

- Conducting a community-based environmental forum showcasing a myriad of local speakers and stakeholders in January 2008.
- Passage of a seasonal leaf-blower ban ordinance.
- Aiding in the installation of recycling units in downtown Rye.
- Conducting an awareness campaign on the dangers of lawn pesticides.
- Holding a 'Candidate's Forum' in 2009 to discuss local candidates' positions on environmental and other issues.
- Publishing "Six Easy & Inexpensive Steps the Homeowner Can Take to Help Reduce Flooding".
- Mitigating invasive vine proliferation along Playland Parkway.
- Encouraging the observation of Earth Hour 2010.
- Producing and distributing a 'Green Homes Tips' tri-fold brochure.
- Advocating for an improved and strengthened City-wide tree ordinance.

SUSTAINABILITY *in our* COMMUNITY

Friends of Rye Nature Center (FRNC)

The FRNC is a non-profit organization devoted to environmental education, conservation, and advocacy in Rye and its surrounding communities. In addition to managing and operating the RNC, the City of Rye's 47-acre forest and wildlife sanctuary, the FRNC provides environmental programs and nature interpretation to over 12,000 visitors annually. The FRNC has direct partnerships with both Rye City and other local school districts to provide yearly nature and science study tours for elementary and middle school students.



Additional initiatives include:

- **Forest Conservation.** In 2006, the FRNC worked with the DEC to create a Forestry Stewardship Plan to serve as a blueprint for managing the City's 47 acres. In 2011, the FRNC began Project Regeneration, a long-term conservation endeavor made possible through a grant from Con Edison. The first phase of this project included enclosing four acres of woodland at the RNC with a fence system to protect and preserve it from over browsing deer. In the spring of 2013, new natives were planted in this area and a model forest walk was created with interpretative signage to educate visitors about forest regeneration.
- **Storm Water Management.** The FRNC has taken several steps to educate Rye residents about best practices for storm water management. Through a grant from the Westchester Community Foundation, the FRNC created an educational video, *Flood Control: What You Can Do*. In addition, the FRNC is in the process of finishing a rain garden and green roof demonstration on site to show visitors what they can do to control storm water.
- **Decreasing Nature Deficit in Children.** In 2009, the first phase of *Nature's Playground* was begun on site with plans to complete the final phase in spring 2013. In addition, the FRNC has collaborated with the Inner-City Scholarship Fund to bring kids from underprivileged, urban areas to summer camp each year for the last five years. The FRNC also provides numerous local children with scholarships to attend camps, workshops, and programs.
- **Supporting Sustainable Consumer Practices.** In 2004, the FRNC launched an initiative, *Keep the Green in Rye*, to educate residents about using reusable bags for shopping. Bags were made available at various retail locations in the City and were available for purchase at the Nature Center. This year, after the RSC successfully worked to have the City pass the Retail Shopping Bag Ordinance, the FRNC created another reusable bag for consumers.



COMMUNITY AWARENESS/ OUTREACH



Provide open communication between Rye City Hall and Rye residents through adoption of the Rye Sustainability Plan and with the creation of a dedicated, comprehensive sustainability page on ryeny.gov. Foster and encourage a lifestyle that embraces sustainability principles through educational programs sponsored by the Rye Sustainability Committee and/or local civic organizations.

COMMUNITY AWARENESS/OUTREACH

SUMMARY



In order for Rye to become a more sustainable community, outreach and education are essential. A main focus of the RSC is to foster an open dialogue between the community and City Hall. The RSP will be the foundation for sparking this dialogue and engaging residents and employees to communicate goals, suggestions and solicit feedback. One of the most important components of the RSP is the contribution to the Plan from numerous civic organizations, municipal committees, and educational and religious institutions. These contributions underscore the collaborative nature of this document, ensuring participation on sustainability issues among every community group.

One of the first initiatives organized by the RSC was to host a Mayor's Forum in March 2011. In this setting, the community gathered to learn about sustainability and how it relates to the Rye community. Participants included members of the business community, residents and public officials. All joined in a discussion about appropriate initiatives. From this starting point, the RSC has reached out to Rye residents and local organizations to support numerous activities, such as the reusable bag initiative and launch of the "Green Screen" film series.

Moving forward, the RSC intends to continue with community outreach initiatives, including workshops on energy efficiency, pesticide use, trees, green building practices and many other areas of interest to our community. The RSC site, located on Ryenyny.gov will provide the community with resources, links and information about local events.



COMMUNITY ACCOMPLISHMENTS

★ The City has completed the **Rye Sustainability Plan** to provide its citizens with a framework for achieving critical environmental goals.

★ The City has a dedicated page for **sustainability issues on the ryeny.gov site.**

★ Residents and City Council are kept informed through periodic updates from the RSC.

★ The **RSC has promoted awareness through a number of initiatives and events:**

- Hosted a Mayor's Forum to introduce the concept of sustainability and highlight sustainability efforts within Westchester County.
- Created an informational pamphlet about the committee and its mission.
- Members have participated in a variety of "Eye on Rye" productions to inform the public about sustainability and environmental issues.

- Committee members have participated in a number of community events to provide information about sustainability issues.

- Committee members have met with a number of organizations to provide information and solicit feedback.

- The RSC has collaborated with other community sustainability committees to learn best practices and educate residents on common issues.

★ In partnership with Rye Country Day School, the RSC launched the first **Rye Green Screen**, with its screening of "Bag It". The 2013 Green Screen featured "No Impact Man".

★ In 2012, the RSC launched the first **RSC Celebrates Earth Day**, with a number of activities, including a Sound Shore Communities' Joint No Idling Day, a declaration by City

Council to enforce the existing no-idling laws, and the launch of Rye's retail shopping bag law.

★ In 2013, the RSC marked Earth Day by participating with the Rye Arts Center for its **RAC Rocks Earth Day**. The RSC joined with the CC/AC to promote healthy green landscaping practices, focusing on healthy lawns, composting, LLA, and wetlands preservation.

★ In 2013, the Rye Country Day School was one of 64 schools nationwide that received recognition as a **U.S. Department of Education Green Ribbon School**. The award recognizes schools where staff, students, officials and communities have worked together to produce energy efficient, sustainable and healthy school environments and to ensure the environmental literacy of graduates.



ACTION STEPS

1. Municipal

With the assistance of the RSC, the City can promote its accomplishments on sustainability issues while providing important information. There are a number of ways the RSC can promote awareness and educate the community.

- 1.1.** Expand the existing RSC page on the Ryeny.gov site to include:
 - 1.1.1.** an outline of the Rye Sustainability Plan that includes periodic progress reports;
 - 1.1.2.** news related to sustainability and environmental issues;
 - 1.1.3.** helpful tips;
 - 1.1.4.** an events calendar;
 - 1.1.5.** links to green businesses and contractors; and/or
 - 1.1.6.** a questionnaire for the public to solicit feedback.
- 1.2.** With assistance from the RSC, create “Go Green” checklist(s) for residents and business owners to help make their environment more sustainable. The lists would include simple tasks for individuals and organizations to improve overall efficiency while reducing their environmental impact. Target areas could include basic tips, such as improving energy efficiency, reducing waste, increasing recycling and reducing the amount of chemicals used in the home or business. The checklists would be available to download on the RSC page of Ryeny.gov.
- 1.3.** Create an electronic Rye Sustainability newsletter to inform the public about relevant news and events.
- 1.4.** Enhance and improve online payments for City services.
- 1.5.** Institute “Go Green” events periodically to promote a specific sustainability topic. Possible topics could include: composting, how to make homes more energy efficient, grease recycling, options for heating using solar energy, insulating private homes.
- 1.6.** Create strategic partnerships with businesses to educate owners on the benefits of energy efficiency and conservation.
- 1.7.** Form partnerships with neighboring communities, similar to the Northern Westchester Energy Action Consortium (NWEAC) and the Southern Westchester Energy Action Consortium (SWEAC).
- 1.8.** Use current community events to promote specific sustainability topics.
- 1.9.** Recognize significant environmental achievements made by citizens, organizations or the business community through an annual sustainability award.

2. Community-Focused Initiatives

Our schools, local organizations, businesses and residents are well equipped to share best practices and collaborate on important sustainability topics. The RSP will act as a resource from which groups can select issues to tackle. City Council and the RSC will provide guidance and can participate in various initiatives. The goal is to increase and strengthen public/private partnerships on sustainability issues so that future generations can enjoy the benefits of this community.

The boxes below highlight past community accomplishments and should provide inspiration for future initiatives.



SUSTAINABILITY *in our* SCHOOLS

Rye City School District

- Mandated use of green cleaning solutions to replace harsh chemicals
- Mandated avoidance of non-organic lawn care products and herbicides
- Mandated avoidance of pesticides in favor of preventative maintenance programs
- Mandatory recycling of newspapers, cardboard, aluminum, glass and plastic
- Increased use of paperless communications to home and community, use of Google app documents, as well as web-based shared databases and applications to avoid use and transfer of paper
- Arrangements for regular safe removal of unneeded chemicals and recycling of used light bulbs
- Auto light turnoffs in some school classrooms
- Converted to automated shut-off water faucets in most student lavatory sinks
- Added recycling containers and student-lead water bottle recycling program at MS
- School lunch program elimination of styrofoam cups/trays
- Added water bottle fill-up fountains at the Middle and High Schools
- Added retention basins at Milton Elementary School to reduce storm drain runoff and improve drainage of water prior to reaching L.I. Sound
- Added gas service at the Middle and High Schools to reduce use of oil and switch to gas heating



SUSTAINABILITY *in our* SCHOOLS

Milton Elementary School

Milton School has long had an active Environmental Committee, supplementing the general curriculum with environmental education. The goal is for children to feel empowered so they understand their individual roles in taking collective action on environmental issues. Parent volunteers create lesson plans, assemblies, field trips and recess programs about climate change, recycling, pollution and other environmental issues. It is truly a collaborative effort in that we organize different programs and take on projects with the principal, teachers, students and the Milton Student Council.

Initiatives have included the following:

- Ecological Footprinting Assemblies for 4th & 5th grades
- Planning & executing the Milton Sustainable Garden
- Reduce & Reuse Book Swaps for America Recycles Week and Earth Week
- 3rd grade field trips to the Westchester Recycling Facility
- Walk to School for Earth Week
- Holiday Card Recycling to benefit St. Jude's Ranch, a charity for abused and abandoned children
- Printer Cartridge and Electronic Recycling Fundraisers
- Anti-vehicle idling rallies
- Daffodil planting in front of the school
- Sales of reusable stainless steel water bottles
- Grades 3, 4 & 5 lesson plans on how damaging bottled water is to the environment
- Rye Garden Club lesson plans for grades K and 2
- "Bash The Trash" Recycling Assembly
- K-5 visits to the Veggie Van, a mobile classroom that educates on pollution, recycling and climate change
- "Plastic Beach" trash collection for Earth Week followed by assembly on the pervasiveness of plastic in our lives by Grassroots Environmental
- Crayon recycling
- Implementing paper and plastic recycling at Milton
- Working with food services to find alternatives to polystyrene lunch trays



SUSTAINABILITY *in our* SCHOOLS

Rye Country Day School (RCDS)

Starting in 2005 with the Headmaster's decision shift to organic lawn, shrub, and tree care, RCDS has pursued an expanding sustainability initiative on its campus. Over the past seven years, the initiative has steadily garnered support from faculty and staff, students, parents, trustees, and the maintenance department, resulting in a comprehensive approach to implementing sustainable practices while connecting the sustainability to the curriculum and student activities. Highlights of the RCDS sustainability program have focused on the following areas:

- **Campus Gardening** started with organic lawn care in response to a change in New York State's Education laws that eliminated pesticide use on school grounds. Since that change, RCDS has installed two school garden sites, certified its campus housing as wildlife habitats, shifted to use of native plants for landscaping, and started a composting program.
- **Energy:** Several facilities projects, including two supported by grants, have significantly reduced energy use on the RCDS campus. NYSEERDA rebates have partially supported the campus-wide conversion to low energy light fixtures and the installation of a 23kW solar energy system (2011). Since 2009, the school has contracted with Ecova to conduct annual energy audits that include practical recommendations for energy savings. In 2012, the School installed two dual fuel, energy efficient boilers that use either oil or natural gas. For the past four years RCDS has involved students, faculty, and staff in a month-long energy reduction competition, the National Green Cup Challenge, which has produced substantial energy reductions and savings. Finally, RCDS is participating in a grant proposal that would bring two electric car charging stations to its campus.
- **Waste Reduction:** In an effort to reduce the use of other resources, RCDS has moved from paper mailings to digital communications of report cards, weekly E-notes and campus news, and most recently, its admissions application. Students and faculty have encouraged more double-sided copying to save paper, and printed publications use paper from sustainable sources. Also the facilities department has installed automated faucet and toilet controls and irrigation system rain gauge shutoffs to reduce water use at school.
- **Food Service:** RCDS' food service provider, Flik Independent Schools, has supported the School's sustainability initiative by seeking more locally-sourced food suppliers, significantly reducing the use of plastic products including bottled water, recycling vegetable oil, and using produce from the school garden. As a result of these efforts, RCDS food services was presented with the Green Restaurant Award with 2 Stars in 2010.
- **Recycling,** an integral part of the sustainability initiative from the start, includes paper, cardboard, glass/cans, and plastic. Since 2009, student groups have led catalog cancellation drives, as well as used cell phone and battery collections. RCDS regularly recycles all of its used light bulbs, printer cartridges, and electronic waste through Wecycle. The Upper School continues to collect used textbooks for re-use or donations, while a task force explores the growing availability and use of digital textbooks.
- **Awareness/Education:** Throughout this initiative efforts have successfully incorporated sustainability in the educational programs for students, faculty, and parents. Faculty in all three divisions and across disciplines have developed curricular units focusing on sustainability, including writing persuasive letters to encourage

SUSTAINABILITY *in our* SCHOOLS

recycling, collecting and counting 100 recyclable items, raising trout in the classroom for release, visiting local water treatment plants, exploring Long Island Sound and Blind Brook, and studying the latest electric and hydrogen fuel cell cars. Student clubs produce a green newsletter, help with campus recycling, and participate in coastal cleanup days. Faculty members have participated in various professional development

activities focused on sustainability through NYSEDA, the Westchester Green Schools Alliance, and various on-campus workshops. The RCDS Parent Environmental Committee has sponsored an “Eco-Conversations” speakers series, “Eco-Excursions” for parents, weekly Eco Tips in Enotes, screening of the movie “Bag It”, and the creation of “No Idling” safety vests worn by staff directing arrival and dismissal traffic.



With a strategic Sustainability Plan in place, RCDS continues to explore exciting, innovative ways to advance this important initiative on its campus and in the classrooms – all in an effort to ensure that RCDS students are responsible stewards of our planet.

SUSTAINABILITY in our COMMUNITY

Rye Garden Club (RGC)

The RGC, a nearly 100-year old organization, is made up of 60 active club members and 37 sustaining and affiliate members. They share a love of gardening and the natural world and are dedicated to the Garden Club of America's mission.

Ongoing work in town in accordance with this mission includes:

- *Funding and organizing a program for the public each year on conservation or gardening topics.* 2012's presentation was a tree identification and care program led by two arborists at the Rye Nature Center. In 2010, the RGC sponsored a program at the Rye Free Reading Room led by Gray Russell, an environmental coordinator in New Jersey. He led a program for the public about recycling, composting, grass-cycling, water conservation and eco-friendly yard care. In 2009, the Club funded a talk by Douglas Tallamy, author of *Bringing Nature Home* on the importance of planting native species to support wildlife and a healthy eco-system. In 2008, a lecture by Brian Hallowell on the locavore movement was sponsored.
- *A comprehensive conservation education program that is offered to Rye nursery and elementary schools.* For nursery and kindergarten, RGC presents *Drip and Drop*, an interactive lesson of stories and songs about the water cycle that helps teach why water is a precious resource. Second grade classrooms work with RGC's *Enviroscape* in an interactive lesson about water pollution. The *Enviroscape* is a model of a watershed area much like Rye to which students add pollutants and then add "rain" and watch the effects of pollution on water bodies and ground water. In the 2011-2012 school year, *Drip and Drop* was presented to 300 children. The *Enviroscape* lesson was presented to 200 children. Additionally, the *Polly Paper* exhibit travels to schools each year. The program guides children ages K-5 through a colorful and lively exhibit illustrating the process of paper recycling, from its collection at curbside to its remanufacture as new paper products. Over 300 children have met Polly in area schools.
- *Sponsoring elementary school field trips to the Materials Recovery Facility in Yonkers, to see and learn about the recycling processes in our area.*
- *Writing an environmental stewardship column in each edition of the local paper entitled, "Green Space", since 2008.* Topics have included, gardening with native plants, recycling tips, alternatives to chemical fertilizers, the importance of trees, how to be a locavore, the effects of pesticides, ways to reduce energy use.
- *Display at the Jay Heritage Center's carriage house for free touring, the "Home Green Home" Dollhouse.* This award-winning dollhouse was handmade by RGC members. Its landscape demonstrates green building and decorating techniques, water run-off mitigation and practices that can be incorporated into the home, property and daily life to conserve resources and promote sustainability.
- *Planting and maintaining planted pots along Purchase Street, Purdy Street and Rye Train Station.*
- *Maintaining the gardens at the Rye Free Reading Room, the Square House and the Knapp House traffic island.*



SUSTAINABILITY *in our* COMMUNITY

Rye Presbyterian Church (RPC)

Reduce – reuse – recycle: the three sides of sustainability. The RPC Thrift Shop is a wonderful example of all three. Donations come from community members every week. Purchases are bagged in donated bags or shoppers bring their own bags. Numerous donations have cycled through the Thrift Shop two or three times; when someone is finished using an item they purchased at the Thrift Shop, they often re-donate it. The Thrift Shop does not accept clothes or very large items, but takes almost any other thing that is found in the home.



Another wonderful aspect of the Thrift Shop is that our volunteers are truly intergenerational, ranging in age from their 30's to their 90's. It is a way for older people to perform a valuable service, and for many it is a valued social experience, one that keeps them involved in the community. The shoppers come from all

socioeconomic backgrounds. Shopping here is fun for both volunteers and shoppers. This adds a truly positive spin to the idea of reusing.

The last, crucial part of the Thrift Shop's mission is that all proceeds are donated in the form of grants to area non-profits each year, with an occasional international or emergency donation as well. The grants are given out at a luncheon in June, which gives representatives from local organizations a wonderful opportunity to meet each other and network. Thus, the money we make at the shop is recycled into the community. For the last two years the Thrift Shop has given out over \$50,000, and we are on track to do the same in 2013.

The RPC leadership has been very supportive of the Thrift Shop, which has more than doubled its revenues over the past eight years. Other sustainability efforts have been discussed and implemented at the church, though the Thrift Shop is the most visible. The best part about the Thrift Shop is that it makes 'being green' attractive and enjoyable for those in our community and beyond.



Community Synagogue of Rye

As Jews and as God's partners we are obligated to repair our world. Through observing and illuminating this basic tenet of our faith, and through education and action, we will lead and motivate our community to protect and heal our waters, air, and lands.

A – We will cultivate environmental awareness through discussion, seminars, writings, projects, and action.

S – We will encourage the sharing of ideas and best practices within our community and with other environmental organizations.

P – We will promote participation at every age, from the simple act of changing a light bulb, stopping to pick up a piece of trash, or carpooling, to changing corporate policies and engaging in local, state, or global initiatives.

I – We espouse immediacy and will commit to presenting actionable and practical strategies – now.

R – We strongly believe that the three R's apply now more than ever and will motivate people to Reduce, Reuse, and Recycle.

E – We know that education is the catalyst for change. As we create programs, encourage participation, and promote action, we will educate our community not just on "what" to do, but on "why" we need do it, both as Jews and as citizens of the world.

IMPLEMENTATION & TRACKING

SUMMARY

The Implementation and Tracking Section provides a summary of all suggested action steps, with responsible parties and estimated timeframes for each item.

The tables below are grouped by the sectors covered in the Sustainability Plan: Energy, Transportation, Waste Reduction & Recycling, Water/Land Use, and Community Awareness/Outreach. Projects are

estimated based on their length – on-going, short, medium or long term, with estimates for each noted in the section below. The time period for a specific project can include time needed to assemble working groups, obtain funding and draft any necessary reports. In addition, they may be revised depending on changes in priorities or circumstances.



PROGRESS TABLES

Notes:

- M: Municipal
- C: Community
- Timeframes:
 - ▶ Short Term: 1 – 3 years
 - ▶ Medium Term: 3 – 5 years
 - ▶ Long Term: 5 + years

ENERGY

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON - GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Reduction in GHG gas emissions by specified target	M/C		X		
2. Energy Efficiency Retrofits of Municipal Facilities					
2.1. Energy efficient upgrades of municipal facilities	M		X		
2.2. Replace "Exit" signs with LED version	M		X		
2.3. Evaluate and update heating controls, where necessary	M	X			
2.4. Implement an energy tracking and management system	M			X	
2.5. Develop cool roofs; consider green roofs for parking garage projects	M				X
2.6. Implement and promote a green purchasing policy for new equipment and appliances	M			X	
2.7. Install computer shut-down software.	M			X	
2.8. Encourage the retrofit of green building technologies	M		X		
3. Energy Efficient Upgrades/Retrofits of Lighting					
3.1. When upgrading street, sidewalk, traffic lighting consider replacing with state-of-the-art energy efficient lighting.	M		X		
3.2. Retrofit municipal lighting fixtures and/or replace lamps with CFLs or LED technology (or better, as technology advances).	M	X			
3.3. Where necessary, install lighting occupancy sensors in all municipal buildings.	M	X			
3.4. Decrease average daily time for street lighting operation.	M		X		
3.5. Institute a "lights out at night when not in use" policy in municipal buildings.	M		X		
3.6. Replace municipal holiday/decorative lighting with energy efficient lighting, such as LEDs.	M		X		
4. Green Building Practices					
4.1. Conduct a study of municipal and county green building codes.	M			X	
4.2. Consider drafting legislation requiring that every new residence sold or transferred must obtain a HER	M			X	
4.3. Provide a system of recognition for new construction that exceeds minimum standards for energy conservation.	M			X	
4.4. Make training programs on green building/energy code procedures and financing available to City staff.	M			X	
4.5. Include exceptions in the building codes for experimental architectural and energy innovations	M			X	
4.6. Institute an accelerated processing service for projects that demonstrate a higher energy efficiency and/or LEED standard than required by the City code.	M			X	
4.7. Consider the requirement of owner contracted third party inspections to certify all construction meets local and statewide energy codes.	M			X	
5. Renewable Energy					
5.1. Investigate the feasibility of installing solar photovoltaics on municipal facilities.	M			X	
5.2. Investigate the feasibility of installing solar hot water systems in municipal facilities.	M			X	
5.3. Promote community commitment to renewable energy, green building and energy efficiency through various education programs.	M/C		X		

IMPLEMENTATION & TRACKING

TRANSPORTATION

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON - GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Purchase low sulfur biodiesel for use in Rye's municipal fleet.	M		X		
1.2 Encourage car-pooling, van-pooling, and mass transit use by municipal employees.	M		X		
1.3 Provide municipal employees with public transport travel passes. Provide cycle facilities.	M		X		
1.4 When purchasing new municipal vehicles, consider purchasing fuel efficient, smaller, or hybrid vehicles.	M	X			
1.5 Offer incentives to municipal employees for driving fuel-efficient vehicles, such as preferred parking spaces or reduced parking fees at municipal parking lots.	M		X		
1.6 Enforce anti-idling laws for City owned vehicles	M	X			
1.7 Consider the inclusion of a small shuttle bus or trolley route from the Rye train station to Harrison train station.	M		X		
2. Community-Focused Initiatives					
2.1 Infrastructure improvements targeted at enhancing pedestrian activity.	C/M		X		
2.2 Infrastructure improvements targeted at enhancing biking activity	C/M		X		
2.3 Provide electric plug-in stations with dedicated parking at the train station.	M			X	
2.4 Offer incentives for driving fuel-efficient vehicles	M		X		
2.5 Encourage more reliance on walking and biking by raising parking prices and/or extending the hours of operation in public parking lots.	M		X		
2.6 Step up enforcement of existing no-idling laws	M	X			
2.7 Create an education program or programs to encourage more pedestrian activity for school children and their caregivers by promoting the health benefits of walking or biking to school.	C		X		
2.8 Encourage car-pooling to school by creating an awareness program in the schools.	C		X		
2.9 Continue partnerships with neighboring communities to advocate for greater enforcement of no-idling laws and promote walk to school programs.	C		X		

WASTE REDUCTION/RECYCLING

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON - GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Promote Rye's recycling record, using its reputation to encourage continued recycling programs and to set more aggressive goals/targets.	M	X			
1.2 Increase the number of recycling bins/Big Bellies throughout Rye.	M		X		
1.3 Institute a municipal office waste management system targeted at reducing excess waste of paper, supplies and bottled water, while cutting costs.	M		X		
1.4 Evaluate municipal purchasing policies of cleaning products to identify areas where green products can be used. Use low VOC products.	M		X		
1.5 When undertaking a painting project, use low VOC paint.	M		X		
1.6 Institute an educational program to encourage restaurants and residences to recycle grease waste.	M		X		
1.7 Consider implementing an awareness campaign about the harmful environmental effects of specified harmful chemicals. Publicize the City's decision, encouraging Rye residents to follow City Hall's lead.	M		X		
1.8 Provide information on the ryeny.gov site regarding County/State recycling laws, composting education programs, green products, environmentally preferred local vendors, and other relevant information pertaining to waste reduction.	M		X		
2. Community-Focused Initiatives					
2.1 Organize periodic Zero Waste Days.	C		X		
2.2 Implement an awareness program to encourage deconstruction of buildings and homes for donation to green deconstruction organizations.	C		X		
2.3 Establish/continue volunteer programs to pick up litter in public places.	C		X		
2.4 Consider adopting some or all of the recommendations contained in the 2012 Rye City Finance Committee report on the Sanitation Department. Consider a Pay as you Throw Program to encourage recycling, home composting and to reduce costs.	M		X		
2.5 Consider developing an annual community award program for recycling and reduction of waste.	C/M		X		
2.6 Promote community composting through education and awareness programs.	C/M		X		
2.7 Initiate an education campaign to encourage the community to reduce its consumption of single-use disposables and offer solutions for using more durable products.	C/M		X		

IMPLEMENTATION & TRACKING

WATER/LAND USE

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Implement a storm water management program and update the storm water laws, where necessary.	M		X		
1.2 Expand on the City's use of sustainable landscaping practices by committing to pesticide-free or pesticide-reduced, organic landscaping of public property.	M		X		
1.3 When replacing toilets in municipal buildings, consider installing high efficiency models and/or waterless urinals.	M		X		
1.4 To restrict water flow, consider replacing the aerators on faucets, and when replacing faucets in municipal buildings, consider installing water efficient models with sensors.	M		X		
1.5 Conduct a study of land preservation zoning laws in neighboring communities to assess whether Rye's current laws are at the forefront and designed to preserve Rye's open spaces. Enforce the current zoning laws to discourage excessive paving of permeable surfaces and encourage tree planting.	M		X		
1.6 Review current City landscaping practices.	M		X		
1.7 Review the current tree permitting/conservation codes to determine whether they need to be updated.	M			X	
1.8 Launch a campaign for soliciting private donations to a City tree fund.	M		X		
1.9 Plant shade trees in and around parking lots and government buildings to reduce energy required to heat and cool buildings.	M		X		
1.10 Consider the use of green roofs, rain barrels, underground cisterns for City properties to reduce run-off.	M		X		
2. Community-Focused Initiatives					
2.1 Initiate an awareness campaign to educate homeowners about the harmful effects of pesticide/fertilizer use on lawns, while offering natural, safe alternatives.	C		X		
2.2 Initiate an education campaign to promote tree planting on private property, emphasizing the benefits of trees for reducing flooding and absorbing carbon emissions, while increasing home property values.	C		X		
2.3 Encourage businesses and residents to use sustainable drainage techniques to reduce storm water runoff.	C		X		
2.4 Initiate an education campaign on composting, highlighting the benefits of composting for healthy lawn maintenance, while identifying the cost reductions that arise from decreases in lawn/household waste.	C		X		
2.5 Launch a LELE initiative. Provide information via the Rye City website, and/or informational pamphlets, workshops.	C/M		X		

COMMUNITY AWARENESS/OUTREACH

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Expand the existing RSC page on the ryeny.gov site.	M		X		
1.2 With assistance from the RSC, create "Go Green" checklist(s) for residents and business owners to help make their environment more sustainable. The checklists would be available to download on the RSC page of Ryeny.gov.	M		X		
1.3 Create an electronic Rye Sustainability newsletter to inform the public about relevant news and events.	M		X		
1.4 Enhance and improve online payments for City services.	M		X		
1.5 Institute "Go Green" events periodically to promote a specific sustainability topic. Possible topics could include: composting, how to make homes more energy efficient, grease recycling, options for heating using solar energy, insulating private homes.	M		X		
1.6 Create strategic partnerships with businesses to educate owners on the benefits of energy efficiency and conservation.	M		X		
1.7 Form partnerships with neighboring communities, similar to the Northern Westchester Energy Action Consortium (NWEAC) and the Southern Westchester Energy Action Consortium (SWEAC).	M			X	
1.8 Use current community events to promote specific sustainability topics.	M		X		
1.9 Recognize significant environmental achievements made by citizens, organizations or the business community through an annual sustainability award.	M		X		

APPENDICES

RESOURCES/END NOTES

General

1. Government Sites

Federal

Environmental Protection Agency (EPA): <http://www.epa.gov/>

- Guide for Local Governments: <http://www.epa.gov/region2/sustainability/greencommunities/>
- Green Communities page, providing information on the Five Steps to Community Sustainability, sustainability programs (green business and building green): <http://www.epa.gov/greenkit/index.htm>
- Green Living page: <http://www.epa.gov/gateway/learn/greenliving.html>

Department of Environmental Protection (DOE): <http://energy.gov>

Energy Star: <http://www.energystar.gov/>

- EPA/DOE program designed to help residents and businesses save money while protecting the environment through energy efficient products and practices.
- List of ENERGY Star products: http://www.energystar.gov/index.cfm?fuseaction=find_a_product.
- Comprehensive FAQ page, searchable by topic:
<http://energystar.supportportal.com/ics/support/default.asp?deptID=23018>

White House, Climate Change: <http://www.whitehouse.gov/energy/climate-change>

State

NY State Energy Research and Development Authority (NYSERDA):

- Main page: <http://www.nyserda.ny.gov>
- Funding opportunities: <http://www.nyserda.ny.gov/Funding-Opportunities.aspx>

NY State Department of Environmental Conservation (NYDEC):

- Main page: <http://www.dec.ny.gov/>
- Information on energy conservation, climate change, sustainability planning and renewable energy:
<http://www.dec.ny.gov/60.html>

Westchester County Government:

- Environment page: <http://environment.westchestergov.com/>

2. Organizations

U.S. Green Building Council (USGBC): <https://new.usgbc.org/>

A nonprofit organization committed to a prosperous and sustainable future for our nation through cost-efficient and energy-saving green buildings. USGBC works toward its mission of market transformation through its LEED green building program, robust educational offerings, a nationwide network of chapters and affiliates, the annual Greenbuild International Conference & Expo, and advocacy in support of public policy that encourages and enables green buildings and communities.

Low Impact Development Center: <http://www.lowimpactdevelopment.org/>

A non-profit organization dedicated to the advancement of Low Impact Development technology. Low Impact Development is a comprehensive land planning and engineering design approach with an emphasis on storm-water management. Information on tools for creating a low-impact environment, including green roofs, permeable pavers, rain barrels, cisterns, and more.

Star Community Index: <http://www.starcommunities.org/>

Developed by ICLEI, the USGBC and the Center for American Progress, STAR provides a new, standardized framework for local governments to plan, track and promote their environmental and sustainability work. STAR is intended to serve as a rating system, not a ranking system. It will provide local governments with a system to evaluate their own progress and recognize their achievements through a continuous improvement process.

The Natural Step: <http://www.thenaturalstep.org/en>

Not-for-profit dedicated to education, advisory work and research in sustainable development. The Natural Step has worked with thousands of corporations, municipalities, academic institutions and not-for-profits to reduce costs as well as ecological and social impacts. Engages with business to integrate sustainability principles into their core strategies, decisions, and operations. Contains information on services, research, and education activities.

Sustainable Hudson Valley: <http://www.sustainhv.org/>

Includes a very comprehensive list of case studies and resources page with links to local sustainability organizations.

How Green is My Town: <http://www.howgreenismytown.org/index.html>

HGIMT is an EPA-award winning environmental assessment program designed to help local governments in their efforts to address issues of climate change, sustainability and environmental health. It provides educational material, a useful checklist, and helpful tools for building sustainable local governments, schools and businesses.

Sustainable Communities Online: <http://www.sustainable.org/>

Sustainable Communities Online is the newly revised, updated, and redesigned website formerly known as the Sustainable Communities Network (SCN) website which was developed by a broad coalition of organizations around the United States in the mid-1990s. The intent of the SCN was to pool information on sustainability to make it more readily accessible to the public. CONCERN, Inc. and the Community Sustainability Resource Institute managed the SCN from 1993-2001 and CONCERN has managed it since then.

3. Local Organizations

Rye Nature Center: <http://www.ryenaturecenter.org/>

Rye Garden Club: <http://ryegardenclub.org>

Jay Heritage Center: <http://www.jaycenter.org>

Marshlands Conservancy: <http://marshlandsconservancy.com/>

Rye Chamber of Commerce: <http://www.ryechamberofcommerce.com/>

Christ's Church: <http://ccrye.org/>

Rye Presbyterian: <http://ryepc.com/>

Community Synagogue: <http://comsynrye.org/>

Church of the Resurrection: <http://www.resurrectionrye.com/>

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RESOURCES/END NOTES

Rye YMCA: www.ryeymca.org/

Rye Free Reading Room: <http://www.ryelibrary.org/>

Rye Arts Center: <http://ryeartscenter.org/>

Little Garden Club of Rye: <http://lgcofrye.org/>

Friends of Read Sanctuary: <http://friendsofreadwildlifesanctuary.org/>

Rye City School District: <http://www.ryeschools.org/>

Wainwright House: <http://www.wainwright.org/>

Meeting House & Bird Homestead: <https://www.facebook.com/pages/Meeting-House-and-Bird-Homestead/117270311693348>

Sector Specific Sites:

1. Energy Efficiency

- DOE information on making your home energy efficient: <http://energy.gov/public-services/homes>
- EPA GHG Equivalences Calculator: <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>
- NYSERDA information on energy efficiency and renewable programs: <http://www.nyseda.ny.gov/en/Energy-Efficiency-and-Renewable-Programs.aspx>
- NYSERDA energy saving tips: <http://www.nyseda.ny.gov/Residential/Energy-Saving-Tips.aspx>
- Environmental and Energy Study Institute: <http://www.eesi.org/>

The Environmental and Energy Study Institute (EESI) is a not-for-profit organization established in 1984 by a bipartisan Congressional caucus to provide timely climate change information and develop innovative policy solutions that set us on a cleaner, more secure and sustainable energy path.

2. Transportation

- EPA information on how to improve on air quality: <http://www.epa.gov/climatechange/ghgemissions/sources/transportation.html>
- DOE information on alternative fuels, vehicles, idling reduction: <http://energy.gov/public-services/vehicles>
- NYDEC Page on AQI: http://www.dec.ny.gov/cfm/x/xtapps/aqi/aqi_forecast.cfm?CFID=1532969&CFTOKEN=44238298&jsessionid=HDfZnBel9-KKRKg06BOQY2Y
- WestchesterGov.com AQI page: <http://health.westchestergov.com/air-quality>
- Biofuel Cities: *Running your fleet of vehicles on biofuels: An overview of the latest options.* http://www.biofuel-cities.eu/fileadmin/template/projects/biofuels/files/Publications/bcleaflet_english.pdf

Although geared towards the European Union, an informative reference about biofuels and city fleets.

3. Waste Reduction and Recycling

- EPA information on waste reduction, composting: <http://www.epa.gov/gateway/learn/wastes.html>

- NYDEC on recycling and composting: <http://www.dec.ny.gov/chemical/294.html>
- WestchesterGov.com recycling page: <http://environment.westchestergov.com/recycling>

4. Water/Land Use

- EPA information on Water: <http://www2.epa.gov/learn-issues/learn-about-water>
- EPA information on Land Use: <http://www2.epa.gov/learn-issues/learn-about-land-and-cleanup>
- Westchester County's LELE Program: <http://www.leleny.org/>
- WestchesterGov.com page on Soil/Water Conservation: <http://planning.westchestergov.com/environment/soil-and-water-conservation>
- WestchesterGov.com page on watershed protection: <http://planning.westchestergov.com/watershed-protection>
- WestchesterGov.com page on flooding: <http://planning.westchestergov.com/flood>

5. Community Awareness/Outreach

- EPA information on Green Living: <http://www2.epa.gov/learn-issues/learn-about-green-living>
- Columbia Center for Children's Environmental Health: <http://ccceh.org/our-research>
- Mount Sinai Children's Environmental Health Center: <http://www.mountsinai.org/patient-care/service-areas/children/areas-of-care/childrens-environmental-health-center/childrens-disease-and-the-environment>

Sustainability Plans

By no means comprehensive, the following list includes plans that we referred to in preparing the Rye Sustainability Plan and recommend as good references.

- Town of Bedford Climate Action Plan (2009)
- Village of Larchmont Climate Action Plan (2012)
- GreenNR – The New Rochelle Sustainability Plan (2010)
- Westchester Action Plan for Climate Change and Sustainable Development (2008)
- PlaNCY (2007)
- City of El Paso Livable City Sustainability Plan
- Irondequoit Comprehensive Environmental and Energy Policy (2009)
- City of Claremont Sustainable City Plan (2008)
- Pasadena Green City Action Plan (2006)
- Village of Fairport Sustainability Plan (2010)
- Sustainable Northampton Comprehensive Plan (2008)
- Plan-It Newburgh Sustainable Master Plan (2008)
- Boulder County, CO Environmental Sustainability Plan (2012)
- Town of Collingwood Sustainable Community Plan (2008), Canada
- ICLEI Templates for Sustainability Plans

APPENDICES

GLOSSARY/ACRONYMS

AGENDA 21	A global plan for achieving Sustainable Development in the 21st century.
ANTHROPOGENIC	Made by people or resulting from human activities. Usually used in the context of emissions that are produced as a result of human activities.
AQI	Air Quality Index, an index for reporting daily air quality.
ATMOSPHERE	The gaseous envelope surrounding the Earth.
BIO ENERGY	Renewable energy made available from materials derived from biological sources such as wood, straw, manure, sugarcane, etc.
BIOSPHERE	The part of the Earth system comprising all ecosystems and living organisms, in the atmosphere, on land (terrestrial biosphere) or in the oceans (marine biosphere), including derived dead organic matter, such as litter, soil organic matter and oceanic detritus.
BTU	A unit used to describe heat units or energy values. It is typically used to specify the heating or cooling power of appliances such as furnaces, air-conditioners, stoves, grills, etc.
CAP-AND-TRADE PROGRAM	Also known as Emissions Trading , the government caps the amount of CO ₂ emissions that may be emitted, by selling emissions permits, i.e. the right to emit a specific volume of the specific pollutant. Firms are required to hold a number of permits equivalent to their emissions. Since the total number of permits cannot exceed the cap, firms must buy emissions permits from those who require fewer permits. This transfer is called a trade.
CARBON CYCLE	All parts (reservoirs) and fluxes of carbon. The cycle is usually thought of as four main reservoirs of carbon interconnected by pathways of exchange. The reservoirs are the atmosphere, terrestrial biosphere (usually includes freshwater systems), oceans, and sediments (includes fossil fuels). The annual movements of carbon, the carbon exchanges between reservoirs, occur because of various chemical, physical, geological, and biological processes. The ocean contains the largest pool of carbon near the surface of the Earth, but most of that pool is not involved with rapid exchange with the atmosphere.
CARBON DIOXIDE (CO₂)	A naturally occurring gas, and also a by-product of burning fossil fuels and biomass, as well as land-use changes and other industrial processes. It is the principal human-caused greenhouse gas.
CARBON DIOXIDE EQUIVALENT	A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential (GWP). Carbon dioxide equivalents are commonly expressed as "million metric tons of carbon dioxide equivalents (MMTCO ₂ Eq)." The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated GWP.
CARBON FOOTPRINT	The total amount of greenhouse gases that are emitted into the atmosphere each year by a person, family, building, organization, or company. A person's carbon footprint includes greenhouse gas emissions from fuel that an individual burns directly, such as by heating a home or riding in a car. It also includes greenhouse gases that come from producing the goods or services that the individual uses, including emissions from power plants that make electricity, factories that make products, and landfills where trash gets sent.
CARBON MONOXIDE	A colorless, odorless, highly poisonous gas, CO, formed by the incomplete combustion of carbon or a carbonaceous material, such as gasoline.
CC/AC	Conservation Commission Advisory Council of the City of Rye
CFL	Compact fluorescent light
CLEAN AIR ACT	Federal legislation to reduce harmful emissions from industry and power plants.

CLEAN AIR AND CLIMATE PROTECTION SOFTWARE (CACP)

Software tool that was developed by ICLEI to help convert energy use into GHG emissions.

CLIMATE

Climate in a narrow sense is usually defined as the "average weather," or more rigorously, as the statistical description in terms of the mean and variability of relevant quantities over a period of time ranging from months to thousands of years. The classical period is 3 decades, as defined by the World Meteorological Organization (WMO). These quantities are most often surface variables such as temperature, precipitation, and wind. Climate in a wider sense is the state, including a statistical description, of the climate system.

CLIMATE CHANGE

Climate change refers to any significant change in the measures of climate lasting for an extended period of time. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among others, that occur over several decades or longer.

CO₂e

CO₂ equivalent

COOL ROOFS

A cool roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below. "Coolness" is measured by two properties, solar reflectance and thermal emissions.

CSA

Community Supported Agriculture

DEFORESTATION

Those practices or processes that result in the conversion of forested lands for non-forest uses. Deforestation contributes to increasing carbon dioxide concentrations for two reasons: 1) the burning or decomposition of the wood releases carbon dioxide; and 2) trees that once removed carbon dioxide from the atmosphere in the process of photosynthesis are no longer present.

EAGR

Environmental Advocacy Group of Rye (see box on p. 48)

EAST COAST

A developing trail system, spanning nearly 3,000 miles as it winds its way between Canada and Key West, linking all the major cities of the eastern seaboard. Over 25% of the route is already on safe, traffic-free paths.

ENERGY AUDIT

An energy audit is an analysis of a single building or campus, which indicates how and where that building or campus can reduce energy consumption and costs.

EARTH SUMMIT IN RIO DE JANEIRO

Meeting of 172 governments to develop a global action plan for Sustainable Development.

EMISSIONS TRADING

See "Cap-and-Trade Program"

EPA

Environmental Protection Agency

ESTUARY

A partly enclosed coastal body of brackish (salt/fresh) water with one or more rivers or streams flowing into it, and with a free connection to the open sea.

FEMA

Federal Emergency Management Agency

FOSSIL FUEL

A general term for organic materials formed from decayed plants and animals that have been converted to crude oil, coal, natural gas, or heavy oils by exposure to heat and pressure in the earth's crust over hundreds of millions of years.

GDP

Gross Domestic Product, the total market value of all the goods and services produced within the borders of a nation during a specified period.

APPENDICES

GLOSSARY/ACRONYMS

GEOHERMAL ENERGY

Thermal energy and heat that is stored in the earth.

GREENHOUSE EFFECT

Trapping and build-up of heat in the atmosphere (troposphere) near the Earth's surface. Some of the heat flowing back toward space from the Earth's surface is absorbed by water vapor, carbon dioxide, ozone, and several other gases in the atmosphere and then reradiated back toward the Earth's surface. If the atmospheric concentrations of these Greenhouse Gases rise, the average temperature of the lower atmosphere will gradually increase. See **Greenhouse Gas, Anthropogenic, Climate, Global Warming**.

GREENHOUSE GAS (GHG)

Greenhouse gases are heat-trapping gases that occur when we burn fossil fuels, such as coal and oil.

GHG INVENTORY

Account of energy consumed and associated GHG emissions within a defined entity.

HER

Home Energy Rating: a measurement of a home's energy efficiency

HYDROCARBON

Any of numerous organic compounds, such as benzene and methane, that contain only carbon and hydrogen.

HYDROPOWER

Power derived from the energy of falling water.

ICLEI

ICLEI – Local Governments for Sustainability, is an international association, founded in 1990, of local and metropolitan governments dedicated to sustainable development. ICLEI originally stood for the "International Council for Local Environmental Initiatives," but in 2003 the organization dropped the full phrase and became "ICLEI-Local Governments for Sustainability" to reflect a broader focus on sustainability, not just environmental initiatives.

INFRARED RADIATION

Infrared radiation consists of light whose wavelength is longer than the red color in the visible part of the spectrum, but shorter than microwave radiation. Infrared radiation can be perceived as heat. The Earth's surface, the atmosphere, and clouds all emit infrared radiation, which is also known as terrestrial or long-wave radiation. In contrast, solar radiation is mainly short-wave radiation because of the temperature of the Sun. See **Greenhouse Effect, Global Warming**.

IPCC

The Intergovernmental Panel on Climate Change (IPCC) is the leading international body for the assessment of climate change. It was established by the United Nations Environment Program (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts. In the same year, the UN General Assembly endorsed the action by WMO and UNEP in jointly establishing the IPCC.

KEROSENE

A thin, clear liquid formed from hydrocarbons, and burned as a fuel.

KYOTO PROTOCOL

Agreement among nations to mandate country-by-country reductions in greenhouse-gas emissions.

LED

LED stands for light emitting diode. LED lights use at least 75% less energy than incandescent lighting, last 35 to 50 times longer than incandescent lighting and about two to five times longer than fluorescent lighting, and produce very little heat.

LELE

Love 'Em and Leave 'Em, Westchester County's leaf mulching-in-place program.
See End Notes/Resources Section for link to the website.

LOW FLOW PLUMBING FIXTURES

Help save water. In 1995, the National Energy Policy Act mandated the use of toilets that use no more than 1.6 gallons of water per flush. Since then, low-flow plumbing fixtures including toilets, faucet aerators and showerheads have been developed that save substantial amounts of water compared to conventional fixtures, while providing the same utility.

METHANE

An odorless, colorless, flammable gas, CH₄, the major constituent of natural gas, that is used as a fuel and is an important source of hydrogen and a wide variety of organic compounds; a greenhouse gas.

MMBTU

One million BTU

MSW

Municipal Solid Waste. MSW refers to the stream of garbage collected through community sanitation services. Medical wastes from hospitals and items that can be recycled are generally excluded from MSW used to generate electricity.

NWEAC

Northern Westchester Energy Action Consortium

NYSERDA

The New York State Energy Research and Development Authority, established in 1975.

NITROGEN OXIDE (NOX)

A group of different gases made up of different levels of oxygen and nitrogen. Two of the most common nitrogen oxides are: Nitrogen Dioxide and Nitric Oxide. NO_x is given off in many forms, such as smog or particles. Is formed when certain fuels (oil, gas and coal) are burned at a high temperature, such as combustion. Helps form acid rain and contributes to global warming.

OCEAN ENERGY

The ocean can produce two types of energy: thermal energy from the sun's heat, and mechanical energy from the tides and waves. Oceans cover more than 70% of Earth's surface, making them the world's largest solar collectors. The sun's heat warms the surface water a lot more than the deep ocean water, and this temperature difference creates thermal energy.

OZONE

A gas that occurs both in the Earth's upper atmosphere and at ground level. Ozone can be "good" or "bad" for people's health and for the environment, depending on its location in the atmosphere.

PCSD

Council on Sustainable Development under President Clinton, formed in 1993 and terminated six years later.

PHYTOREMEDIATION

The use of green plants to remove pollutants from the environment or render them harmless.

PLANYC

New York City's Sustainability Plan introduced in 2007.

RCDS

Rye Country Day School

RCSD

Rye City School District

RNC

Rye Nature Center

RSC

Rye Sustainability Committee, established in October 2010.

RSP

Rye Sustainability Plan

RYE OR CITY

The City of Rye

SOLAR ENERGY

Radiant heat and light from the sun.

SRREN

Report on Renewable Energy Sources and Climate Change Mitigation issued by IPCC.

APPENDICES

GLOSSARY/ACRONYMS

STORMWATER RUNOFF

Stormwater runoff is the excess rain or melted snow that cannot be absorbed by the soil and flows off our roofs, and over our yards, parking lots, and streets.

SULFUR DIOXIDE EMISSIONS

A toxic gas that is released by volcanoes and in various industrial processes. Since coal and petroleum often contain sulfur compounds, their combustion generates sulfur dioxide unless the sulfur compounds are removed before burning the fuel. Sulfur dioxide emissions are also a precursor to particulates in the atmosphere. Both of these impacts are cause for concern over the environmental impact of these fuels.

SWEAC

Southern Westchester Energy Action Consortium

SUSTAINABLE DEVELOPMENT

As defined by the Brundtland Commission (1987): development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

VOCS

Volatile Organic Compounds are organic compounds that can be isolated from the water phase of a sample by purging the water sample with inert gas. Many VOCs are human-made chemicals that are used and produced in the manufacture of paints, adhesives, petroleum products, pharmaceuticals, and refrigerants. They often are compounds of fuels, solvents, hydraulic fluids, paint thinners, and dry-cleaning agents commonly used in urban settings. VOC contamination of drinking water supplies is a human-health concern because many are toxic and are known or suspected human carcinogens.

WATERSHED

A region or area bounded peripherally by a divide and draining ultimately to a particular watercourse or body of water.

WETLANDS

A land area that is saturated with water, either permanently or seasonally, such that it takes on the characteristics of a distinct ecosystem. Primarily, the factor that distinguishes wetlands from other land forms or water bodies is the characteristic vegetation that is adapted to its unique soil conditions: Wetlands consist primarily of hydric soil which supports aquatic plants.

WIND ENERGY

Kinetic energy from the wind is converted into mechanical energy.



SUSTAINABILITY SPOTLIGHT:

TREES FOR OUR CHANGING ENVIRONMENT

The City of Rye is a truly beautiful municipality to reside in. The city is endowed with many natural assets including a waterfront position on the Long Island Sound, the Edith Read Sanctuary, the Marshlands Conservancy, Rye Town Park, the Rye Nature Center, and other unique resources. However, the one defining feature that sets us apart from many surrounding Westchester municipalities is the number of trees that line our streets and grace our yards. Many residents would agree that it is the amount and variety of trees that imbue the City of Rye with its fundamental beauty and leafy allure.

Despite their natural appeal, our City's trees are constantly threatened by many direct and indirect forces. New development and clear-cutting are a continual threat, as are invasive species, but in the past several years there have been a growing number of extreme weather events that have destroyed and damaged hundreds of trees in Rye. Just in the past year and a half alone, Hurricane Irene, the snowstorm

of October 2011 and Hurricane Sandy have wreaked havoc on our trees.

This trend is reflected on a larger scale throughout the U.S. The results of a U.S. Forest Service Study National results that were released in February 2012 indicate that "tree cover in urban areas of the United States is declining at a rate of about 4 million trees per year ... Tree cover in 17 of the 20 cities analyzed in the study declined while 16 cities saw increases in impervious cover, which includes pavement and rooftops." The study included a cost/benefit analysis that showed that "The benefits derived from urban trees provide a return three times greater than tree care costs, (including) as much as \$2,500 in environmental services such as reduced heating and cooling costs during a tree's lifetime."

Despite their many long-term economic and environmental benefits, the potential dangers posed by falling trees and branches during these storms have made



trees a public relations challenge. Residents are rightly worried about protecting their families and properties from downed trees and limbs. Given the proliferation in the number of extreme weather events that Rye is experiencing, many residents might choose to proactively remove healthy trees from their yards rather than run the risk that the next storm will cause them to topple.

In summary, several dynamics here in the City of Rye are causing the removal of trees at an accelerated pace: 1) new development and construction are stripping trees, 2) extreme weather events are destroying and damaging trees more frequently, 3) residents may intentionally be removing trees to avoid the risk that they may fall during the next extreme weather event. Given these converging factors, it is an exigent time to review and highlight the importance of trees and the many advantages they confer; how to minimize the dangers posed by trees by planting the right tree in the right place; and how best to protect and care for our trees.

Why Trees Matter

In an April 11th, 2012 Op-Ed piece in The New York Times, Jim Robbins writes that “We have underestimated the importance of trees. They are not merely pleasant sources of shade but a potentially major answer to some of our most pressing environmental problems. We take them for granted, but they are a near miracle.” Below is a list of some of the reasons why trees are a natural environmental ally here in Rye.

1. Flood Mitigation

The City of Rye has experienced a number of severe floods in the past decade – two back-to-back episodes in the spring of 2007 and another major flood in the wake of 2011’s Hurricane Irene. Trees are important flood mitigators as they absorb storm-water runoff. According to the USDA Forest Service, a single tree in the Northeast can absorb over 1,900 gallons of water per year. Their introduction to the guidelines for reducing storm-water runoff reads as follows “Trees are mini-reservoirs, controlling runoff volumes and erosion of watercourses, as well as delaying the onset of

peak flows... Studies that have simulated urban forest effects on storm-water runoff have reported reductions of 2 to 7 percent.” Benefits associated with rainfall interception and reducing storm-water runoff are substantial for all tree types.”

In addition, trees have been shown to influence the flow of water. Trees reduce topsoil erosion by catching precipitation with their leaf canopies. This lessens the force of storms and slows down water runoff, which in turn ensures that our groundwater supplies are continually being replenished. Along with breaking the fall of rainwater, tree roots remove nutrients that are harmful to water ecology and quality. Leaves that have fallen from the trees and begun to decay form an organic layer that allows water to percolate into the soil which also aids in the reduction of runoff and soil erosion. All of this also helps reduce street flooding and sedimentation in streams.



SUSTAINABILITY SPOTLIGHT:

TREES FOR OUR CHANGING ENVIRONMENT

2. Climate Change Reduction

Trees act as natural greenhouse gas sinks. Suburban forests reduce atmospheric CO₂ by directly sequestering CO₂ in their stems and leaves while they grow.

According to the USDA's Northeast Community Tree Guide, "a study of New York City's urban forest found that trees stored 1.35 million tons of atmospheric CO₂...The 5.2 million trees sequestered approximately 42,329 tons of atmospheric CO₂ annually." Planting trees remains one of the most cost-effective means of drawing excess CO₂ from the atmosphere. If every American family planted one tree, the amount of CO₂ in the atmosphere would be reduced by one billion pounds annually. This equates to almost 5 percent of the amount that human activity pumps into the atmosphere each year.

3. Air Quality Enhancement

Trees also remove other gaseous pollutants through the stomata in the leaf surface by absorbing them with normal air components. Some of the other major air pollutants and their primary sources are:

- **Sulfur Dioxide (SO₂)** – Sixty percent of sulfur dioxide comes from coal burning for electricity and home heating while 21 percent comes from refining and the combustion of petroleum products.
- **Ozone (O₃)** – Ozone is a naturally occurring oxidant that exists in the upper atmosphere. O₃ may be brought to Earth by turbulence during severe storms. Also, small amounts are formed by lightning. Automobile emissions and industrial emissions mix in the air and undergo photochemical reactions in sunlight releasing ozone and another oxidant, peroxyacetylnitrate (PAN). Naturally, high concentrations of these two oxidants build up where there are many automobiles.
- **Nitrogen Oxides (NO_x)** – Probably the largest producer of nitrogen oxide is automotive exhaust. These are also formed by high temperature combustion when two natural air components are present; nitrogen and oxygen.
- **Particulates** – These are small particles emitted in smoke from burning fuel, particularly diesel, which enters our lungs and causes respiratory problems. With trees present, there is up to a 60 percent reduction in street-level particulates.

Studies have shown that in one urban park, tree cover removed 48 pounds of particulates, 9 pounds of nitrogen dioxide, 6 pounds of sulfur dioxide, 0.5 pounds of carbon monoxide and 100 pounds of carbon – daily. It has also been noted that one sugar maple along a roadway removes 60mg cadmium, 140mg chromium, 820mg nickel and 5,200mg lead from the environment in one growing season.

4. Energy Conservation

Trees help to modify local climate by lowering air temperature, increasing humidity, influencing wind





speeds and reducing glare. In the warmer months of the year, urban areas realize lower air temperatures when trees are strategically planted along streets and near buildings. These trees provide shade and evaporation of water through the transpiration process. The evaporation from a single large tree can produce the cooling effect of 10 room-sized air conditioners operating 24 hours a day. Communities in which homeowners utilize trees in their landscaping also benefit. When homeowners properly place trees in landscaping they benefit from savings on daytime air conditioning. For example, three or more large trees strategically placed on the sunny sides of a house will provide enough shade to reduce air-conditioning costs by as much as 30 percent. Trees (mostly evergreen trees, as deciduous trees lose their leaves in the winter) also help with energy costs in the winter by blocking cold winds thereby reducing the strain on heating units.

These energy savings, when spread over many houses, neighborhoods and urban areas, can reduce the demand for power production by utility plants, which also reduce the amount of air pollutants produced by these power plants.

5. Wildlife Habitat

It is only natural that wherever trees are planted, wildlife and other plants are sure to follow. Trees provide shelter and food for a variety of birds and small animals, such as squirrels and beavers. Enhancing growth diversity, trees create an environment that allows the growth of plants that otherwise would not be there.

Flowers, fruits, leaves, buds and woody parts of trees are used by many different species. Bacteria and fungi contained in tree parts cause decay which makes nesting easier for some birds and increases soil fertility and structure for furrowing by other land animals.

Trees also provide shade, reduce water and air temperatures and contribute to the overall health of aquatic ecosystems by providing habitat, shelter and food for aquatic species such as turtles, otters, beavers and fish.

6. Aesthetic and Real-Estate Value

Trees add beauty to their surroundings by adding color to an area, softening harsh lines of buildings, screening unsightly views and contributing to the character of their environment. Trees have also proven to contribute to a community's economy and way of life. Depending on species, maturity, quantity and location, property values increase 5 to 15 percent when compared to properties without trees.

Trees enhance their surroundings in many ways. Trees planted along and around buildings provide a distraction for the eye, softening the background and screening unsightly views. Trees also contribute eye-catching colors to their surroundings, from the different shades of green found in the leaves, the colors found in flowering trees and sometimes even the bark of the tree.

Trees also lend to the preservation of streets paved with asphalt. Asphalt paving contains stone aggregate in

TREES FOR OUR CHANGING ENVIRONMENT

an oil binder. Without shade provided by trees, the oil heats up and volatilizes, leaving the aggregate unprotected. Vehicles then drive over the aggregate causing it to loosen which grinds down the pavement. Therefore, not only do trees help to maintain the integrity of community roads, they also lower costs expended on re-paving roadways.

The condition of a community's trees and collectively, its urban forests, is usually the first impression a community projects to its visitors. A community's urban forest is an extension of its pride and community spirit. Studies show that trees also enhance community economic stability by attracting businesses and tourists as people tend to linger and shop longer along tree-lined streets. Studies have also shown that apartments and offices in wooded areas rent more quickly and businesses leasing office spaces in developments with trees reported higher productivity and fewer absences.

Invasive Trees

Planting invasive tree species is detrimental to our environment and economy. Invasive species have specific traits or specific combinations of traits that allow them to out-compete native species. Invasive species grow and reproduce quickly, and spread aggressively, with potential to cause harm. The DEC website defines invasive species as "a species that is: (a) non-native to the ecosystem under consideration, and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.". Currently, the City of Rye tree code (Chapter 187) prohibits "property owners and other persons from planting silver maples and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place."

A list of invasive species in the New England area can be found in the Invasive Plant Atlas of New England (IPANE). The

following are the species identified to be invasive in this geographic region.

The Right Tree in the Right Place

In order to avoid some of the dangers and inconveniences posed by mature trees that the City of Rye has witnessed during recent weather events, it is essential to consider exactly what tree type is best for the space before it is to be planted. A proper landscape plan takes each tree into consideration. Below is a list of important factors to consider before planting a tree.

1. **Height.** Will the tree bump into anything when it is fully grown or will it pose a potential hazard to a building or residence once it is mature?
2. **Canopy spread.** How wide will the tree grow? Again, will its mature canopy eventual cause undesirable proximity to a building or residence.
3. **Is the tree deciduous or coniferous?** (Will it lose its leaves in the winter?)
4. **Form or shape.** A columnar tree will grow in less space. Round and V-Shaped species provide the most shade.
5. **Growth rate.** How long will it take for your tree to reach its full height? Slow growing species typically live longer than fast growing species.
6. **Invasives.** Is the tree species native to this region? Invasive trees tend to grow quickly with a shallow root system causing them to be more prone to blow-downs.

In addition, native species are the optimum choice for wildlife habitat restoration or enhancement.

7. **Soil, sun, and moisture** requirements.
8. **Fruit.** No one wants messy droppings on busy sidewalks.
9. **Hardiness zone** indicates the temperature extremes in which a tree can be expected to grow.

Scientific Name	Common Name
<i>Acer ginnala</i> Maxim.	Amur maple
<i>Acer platanoides</i> L.	Norway maple
<i>Acer pseudoplatanus</i> L.	Sycamore maple
<i>Ailanthus altissima</i> (Mill.)	Tree of heaven
<i>Alnus glutinosa</i> (L.)	European black alder
<i>Paulownia tomentosa</i>	Princess tree
<i>Populus alba</i> L.	White poplar
<i>Robinia pseudoacacia</i> L.	Black locust



Pruning Standards

Caring for and pruning our trees properly is vital to maintaining tree health and promoting their safe growth which helps minimize the dangers they can pose. For more information on proper tree care, residents can refer to the pruning standards set forth by ANSI (American National Standards Institute) and ISA (International Society of Arboriculture).

1. Why Prune a Tree?

Health

- Remove dead, damaged and diseased branches to help prevent insect & decay organisms from entering the tree.
- Thin a dense canopy on a tree to increase air and sunlight, resulting in fewer disease problems.
- Remove suckers & water sprouts to eliminate weak wood and provide more food and water for the tree.
- Eliminate crossing branches to prevent damage caused by their rubbing against each other.
- Weak or narrow crotches split apart as the tree grows older. Remove these crotches to eliminate breaking and tearing of wood.
- Remove co-dominant leaders. Co-dominant leaders are two branches growing near the top of a tree that grow straight up and become equally dominant. Cutting off one allows the other branch to grow &

become the dominant branch. This prevents the branches from splitting and tearing wood that is often a problem in heavy winds.

Safety

Correct pruning procedures create and maintain a strong tree structure, preventing safety hazards such as low growing branches and growth forms subject to storm damage near a house, driveway or sidewalk.

Maintain natural tree form

Often erratic or vigorous branches grow that change the growth habit of other branches and results in a misshaped tree. Early removal of these vigorous branches maintains a natural tree form.

Stimulate or restrict growth

Pruning can stimulate growth in sparse areas of the tree. Pruning can also restrict growth where too much growth is undesirable.

2. When Do You Prune a Tree?

Dead, damaged, and diseased branches should be removed as soon as possible. Otherwise, the best time to prune is in late winter, early spring, just before the tree begins to open its buds. While pruning can be done anytime, it is always good to avoid hot dry periods and extreme winter cold. If you do prune trees after the leaves have opened, be sure to allow them to fully develop their leaves plus some additional time to recoup the energy they used.

WASTE DISPOSAL OPTIONS FOR REDUCTION OF OVERALL CARBON FOOTPRINT

Waste disposal is an extremely important environmental issue for cities everywhere. Not only must we generate less waste but we can also reuse/recycle the waste we do create in an energy efficient manner. The City of Rye Sustainability Committee is looking for ways to reduce costs of waste removal and decrease our waste footprint. With this in mind, there are two waste recycling initiatives, which can help mitigate the proliferation of our waste.

1. Greasecycling

Greasecycling is the conversion of used cooking oil into a clean burning fuel called biodiesel. Oil is collected from restaurants, clubs and other establishments. It is then refined and used as feedstock for biodiesel.

"Biodiesel contains no petroleum, but it can be blended at any level with petroleum diesel to create a biodiesel blend. It can be used in compression ignition (diesel) engines with no major modifications. Biodiesel is simple to use, biodegradable, nontoxic, and essentially free of sulfur and aromatics." This renewable energy meets strict industry standards and is extremely energy efficient. "A U.S. Department of Energy study showed that the production and use of biodiesel, compared to petroleum diesel, resulted in a 78.5% reduction in carbon dioxide emissions. Moreover, biodiesel has a positive energy balance. For every unit of energy needed to produce a gallon of biodiesel, at least 4.5 units of energy are gained."¹⁹

The Rye Department of Public Works' (DPW) fleet is partially run on diesel fuel and capable of utilizing biodiesel without further modifications. Since 2005, Rye's DPW diesel consumption has increased 26.8%, while the use of gasoline has decreased 14.8%.

One company, Hudson Bio Fuel, has estimated that 3,760 gallons of waste oil is produced by Rye City restaurants and clubs.

Pasadena, Ca; Portland, Ore; Denver, Co; Lake Forest, Ill; are among a multitude of cities across the United States that are using biodiesel in their DPW fleets.

For those living on Long Island Sound, there are heightened environmental concerns regarding waste management. Hudson Biofuels points to "the proper disposal of used cooking oil. Oil is lighter than water and tends to spread into thin and broad membranes that hinder the oxygenation of water. Because of this, a single gallon of oil can contaminate as much as one million gallons of water."²⁰

2. Organic Waste Disposal

"States have begun to ban food waste from going to landfills or other mixed municipal waste disposal facilities. The bans will prohibit hospitals, correctional facilities, schools, hotels, restaurants, and all other businesses that generate more than one ton of food waste per week from sending food waste for disposal at landfills. Long distance hauling to composting facilities will prove to be a nuisance to store and costly to haul."²¹

Although it is not yet mandatory in Westchester - a densely populated, highly developed county - it is only a matter of time before this will become an issue. So how to reduce food waste?

One company, BioHi Tech, has developed a HiVolume Organic Waste Decomposition system: The Eco-Safe Digester. The Eco-Safe Digester will safely and quickly decompose virtually all organic food waste including: meat, poultry, fish, fruit, vegetables, rice, pasta, bread, coffee grinds, eggshells, and dairy products. A highly refined formula of microorganisms is used to breakdown organic waste into a liquid, which can be safely disposed down the drain, completely eliminating the waste, and ultimately allowing the effluent to return to our ecosystem. In a restaurant, the dishwasher simply wipes leftovers off the plate into

¹⁹ National Biodiesel Board

²⁰ Hudson Biofuel

²¹ Bio HiTech



the Digester rather than into a garbage bag. There are a multitude of economical and environmental benefits:

- Reduces Waste Transportation Costs by Reducing Number of Pick Ups
- Lowers Emissions from Less Truck Traffic and Land-filling
- Diverts Organic Waste from Landfills
- Extends the Lifespan of the County's Disposal Facilities
- Recycles Food Waste into a Reusable Resource (water, energy and fertilizer)

- Reduces Janitorial Supply Costs
- Measures Environmental Performance
- Shrinks Environmental Footprint
- Improves Efficiency and Workflow
- Eliminates Compactor Odors
- Creates a Safer Environment for Employee

Area clubs and schools that are intent on being ahead of the curve, are implementing or considering this system.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Resolution to amend the City's management employment agreements.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council amend the City's management employment agreements.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Due to staff reductions at the City over the last few years, no succession plan is in place for many key management positions. The Council should consider options for the management staff to establish a succession plan should changes arise. The management employment agreements include those of the City Manager and the Corporation Counsel.

September 6, 2013

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VIA E-MAIL

Honorable Douglas H. French
Mayor
City of Rye
1051 Boston Post Road
Rye, New York 10580

**Re: Proposal for Legal Services – Corporation Counsel
Kristen Kelley Wilson/Harris Beach PLLC**

Dear Mayor French:

This letter will summarize the proposed terms of my representation of the City of Rye (the “City”) as Corporation Counsel on an independent contractor basis, including the scope of my services and the agreed upon fee and billing arrangement.

Scope of Engagement/City Invoices

I propose an annual retainer of \$100,000. This retainer would be paid over the year broken down into twelve (12) equal monthly payments or in accordance with the regular payroll of the City. I would provide most of the general legal services to the City including, for example, and this list is not meant to be exhaustive:

- (1) attending all City Council Meetings and special meetings;
- (2) attending other meetings as needed (Planning Commission/Board of Appeals);
- (3) rendering legal opinions as needed for the City Council and all City Administrative Commissions/Boards;
- (4) preparing and assisting in the preparation of resolutions, local laws, contracts, MOUs and IMAs, as needed;
- (5) **provide legal advice to department heads and/or City Council regarding Freedom of Information Law (“FOIL”) requests;**
- (6) Monitor and provide pertinent updates on all matters handled by outside insurance counsel;
- (7) tax certiorari matters excluding trials and appeals of same;

- (8) up to two Article 78 proceedings, excluding appeals of same, mutually agreed upon between the City Manager and me depending on the scope of the particular litigation; and
- (9) being available to the City staff for consultation on pertinent issues. I propose to have office hours at City Hall and be available to City staff on all issues.

To the extent necessary I will receive assistance from other attorneys at my firm, including, Darius P. Chafizadeh, Esq., Frank J. Rubino, Esq., David Rothman, Esq. and Christopher Feldman, Esq.

Matters that will be exempted from the annual retainer include:

- (1) those matters listed below;
- (2) matters for which insurance provides counsel;
- (3) matters involving municipal finance and labor issues¹; and
- (4) such other matters, as we may mutually agree.

Excluded from the annual retainer will be the following which will be billed directly by Harris Beach to the City at an hourly rate of \$215 an hour for each attorney: (1) any litigation, including trials and appeals of tax certiorari matters; (2) Disciplinary or other similar hearings before the City or any other administrative agency and appeals of same; and (3) extraordinary projects requiring extensive research and investigation. All out of pocket expenses for excluded matters shall be reimbursed through my law firm Harris Beach. Article 78 proceedings beyond those covered under the annual retainer would be billed at an hourly rate of \$215 an hour. Prior to working on any litigation matters outside of the annual retainer, I will discuss with the City Council and City Manager the anticipated time and cost necessary to defend (or commence) a particular action.

It is my understanding that the City is considering separately retaining a City prosecutor to handle prosecutions of the Vehicle and Traffic Law. Until that time, I would propose to handle these duties in my role as Corporation Counsel for a small stipend until the City makes a final determination on how to fill this position.

Other Charges

In addition to our fees for rendering professional services, our billing statements will include separate charges for performing services such as photocopying, delivery charges, long distance telephone calls, facsimile transmissions, specialized computer applications, travel, and other expenses and services incurred incidentally to the performance of our legal services.

¹ Harris Beach PLLC has a municipal finance group and labor group that provide bond counsel and labor counsel to other governmental entities throughout the State of New York. In so far as the City would like a second opinion or otherwise consult with bond counsel, labor counsel or any other attorney specializing in a particular area or on a particular matter, I can coordinate a meeting or phone call with the relevant professionals from Harris Beach and the City.

Billing Cycle

Fees for legal services and other charges are billed monthly and are payable within thirty (30) days of receipt.

Termination of Engagement

In the event the City Council wishes to terminate my services as Corporation Counsel, the City shall provide me with sixty (60) days notice to allow for sufficient transition time. Similarly, if I wish to leave my position as Corporation Counsel, I shall provide the City Council with sixty (60) days notice.

No termination will relieve the City of the obligation to pay the legal fees owed to me or Harris Beach, PLLC for services performed and other charges owed to us through the date of termination. After the completion of our services on the City's behalf, changes may occur in applicable laws or regulations that could have an impact upon the City's future rights and liabilities.

Conclusion of Representation; Disposition of Client Documents

Unless previously terminated, our representation of the City will terminate upon our sending you our final statement for services rendered in this matter. Following such termination, any otherwise nonpublic information you have supplied to us that is retained by us will be kept confidential in accordance with applicable rules of professional conduct. At your request, we will return your papers and property promptly after receipt of payment for any outstanding fees and costs. Our own files pertaining to the matter will be retained by the firm. These firm files include, for example, firm administrative records; internal lawyers' work product such as drafts, notes, internal memoranda; and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. We will retain all remaining documents for a certain period of time, but reserve the right for various reasons including the minimization of unnecessary storage expenses, to destroy or otherwise dispose of them within a reasonable time after the termination of the engagement.

Client Responsibilities

You agree to cooperate fully with us and to provide promptly all information known or available to you relevant to our representation. You also agree to pay in a timely manner our statements for services and expenses as provided above.

Possible Conflicts

Harris Beach represents many other companies and individuals. It is possible that during the time we are representing you or other parties subject to this representation, some of our present or future clients will have disputes or transactions with you or them. You agree that we may continue to represent or may undertake to represent existing or new clients in any matter that is not substantially related to our work for you even if the interests of such clients in those other matters are directly adverse. We agree, however, that your prospective consent to

conflicting representation contained in the preceding sentence shall not apply in any instances where, as a result of our representation of you, we have obtained proprietary or other confidential information of a nonpublic nature, that, if known to such other client, could be used in any such other matter by such client to your material disadvantage.

I look forward to working with you, the City Council and City staff to protect the interests of the City. I appreciate the opportunity to represent the City of Rye. If this proposal is acceptable, please so indicate by returning an executed copy of this letter. Please call me with any questions regarding the foregoing.

Very truly yours,

Kristen Kelley Wilson

ACKNOWLEDGED & AGREED

Honorable Douglas H. French
Mayor, City of Rye



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager

DATE: September 11, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to conduct an Executive Search for the Police Commissioner position.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council authorize the City Manager to conduct an Executive Search for the Police Commissioner position.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Police Commissioner Connors has announced his retirement effective January 15, 2014. An Executive Search must be conducted to appoint a new Police Commissioner; it is expected that a search will take three to four months.



CITY COUNCIL AGENDA

NO. 16

DEPT.: Corporation Counsel

DATE: September 11, 2013

CONTACT: Kristen K. Wilson, Esq.

AGENDA ITEM: Resolution authorizing the Corporation Counsel and the Mayor to seek settlement of the litigation with Rye Town.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council authorize the Corporation Counsel to seek settlement of the litigation with Rye Town.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: In the litigation, *Town of Rye and Rye Town Park Commission v. City of Rye*, the petitioners moved for summary judgment arguing that the exemption under RPTL 406 should be restored to the parcel of property currently being used by Seaside Johnnies. The City opposed this motion and has filed a cross-motion for summary judgment. Judge Tolbert rendered a judgment, decision and order granting Petitioners' motion for summary judgment and denying the City's cross-motion. It is recommended that it is in the best interest of the City to authorize the Corporation Counsel and the Mayor to seek settlement of this litigation with Rye Town.



CITY COUNCIL AGENDA

NO. 17

DEPT.: Corporation Counsel

DATE: September 11, 2013

CONTACT: Kristen K. Wilson, Esq.

AGENDA ITEM: Resolution to approve a Tax Certiorari settlement with Old Post Road Associates, Inc. for the property located at 120 Old Post Road.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the Tax Certiorari settlement with Old Post Road Associates, Inc.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The property, located at 120 Old Post Road, is a three-story professional office building constructed in 1967 and remodeled and expanded in 2001. The building is approximately 70,812 square feet in gross building area. Up until February of 2010 the building was 100% occupied. Thereafter in September 2010 a building permit was issued for demolition of the interior in anticipation of converting the building from a single user to multiple tenancy. The demolition work was completed in February 2011 resulting in all but approximately 7,000 square feet of the 1st floor space being gutted. Currently approximately 90% of the building remains vacant.

The building has an assessed value of \$311,100. The Tax Certiorari proceeding covers years 2008 through 2013. The petitioner's appraisal found that the property was overassessed by a low of 33% in 2008 to nearly 70% in years 2011 - 2013 due to the vacancy, interior demolition and market conditions. The negotiated settlement reduces the assessment by 17% to 22% in 2008 through 2010 (on par with the City's appraisal) and 45% to 54% in 2011 through 2013 for an average reduction of 34% for the period under review. The refunds due the petitioner under this settlement are: \$67,688 (City), \$94,384 (County) and \$249,046 (School).



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager's Office

DATE: September 11, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion to provide temporary parking alternatives for Blind Brook Lodge residents in City lots during the construction phase of the new Blind Brook Lodge parking facilities.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Blind Brook Lodge Board approached the City for assistance with additional parking for residents who will be displaced by their upcoming parking construction project as well as the removal of alternate parking options at the Rye United Methodist church. The City was able to provide temporary assistance by allowing residents to park at the City owned lots located at Midland Avenue and City Hall. The City will continue to monitor the situation and make adjustments once the construction gets underway in the Blind Brook Lodge lot. If construction is not completed by the beginning of November, when Snow Ordinance rules goes into effect, the Council may consider lifting the Snow Ordinance parking in selected areas.

See attached which was given to the residents of Blind Brook Lodge.

Blind Brook Lodge Temporary Parking Offer

- All-night parking permits - parking in lot from 7:00 p.m. to 8:00 a.m. only
- Cost = \$30/month for a permit
- Permit must be purchased for both September and October (\$60)
- Permits are not transferrable and are not refundable
- Only one permit can be purchased per apartment
- Parking spots available:

Midland Avenue Parking Lot

➤ 30 spots

City Hall Parking Lot

➤ 10 spots

Please remember to bring the following to the Clerk's office to purchase the permit:

- * **Car Registration**
- * **Driver's License**
- * **Con Edison bill (or a copy of the account page from Con Ed on-line)**

Payment can be made by Cash, Check or Credit Card



CITY COUNCIL AGENDA

NO. 19

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Resolution authorizing the City Manager to extend the Agreement with the Rye Art Center, Inc. to lease the property located at 51 Milton Road.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council extend the Agreement with the Rye Art Center.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye Arts Center has served as an educational center for the arts and has offered many quality programs and classes; it has become the largest community art center in Westchester County. The Rye Arts Center signed a lease with the City of Rye in March of 1986 for a thirty-year term which will expire in 2016. The City is seeking to extend the agreement with the Rye Arts Center.

See attached Lease Agreement.

March 19, 1968

LEASE

AGREEMENT made the 24 day of March 1986, between the City of Rye, a municipal corporation organized under the laws of the State of New York, located in Westchester County (hereinafter called "City"), and The Rye Art Center, Inc. a not-for-profit corporation organized under the laws of the State of New York (hereinafter called the "Art Center").

WHEREAS, the City owns certain land known as 51 Milton Road, also known as a portion of Sheet 146.11, Block 3, Lot 30 on the current tax assessment map of the City of Rye, including a building thereon (including any modifications or additions thereto erected with the permission of the City Council, the "Premises or Building"). A copy of the pertinent portion of the current tax assessment map of the City of Rye is attached hereto as Exhibit "A". Also attached hereto as Exhibit "B" is a copy of an aerial photograph of the subject property; and

WHEREAS, the Art Center desires to lease the Premises from the City in order to use the Building for an art center; and

WHEREAS, the City is willing to grant such a lease provided that, among other things, the Art Center, at the Art Center's sole expense, renovate, reconstruct, rehabilitate and expand the Building so that the Building may lawfully be used for such purpose;

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, the City hereby leases to the Art Center the Premises, including the use and occupancy of the Building and the use in common with the City of the land, parking and driveways shown on Exhibit "B", upon the following terms and conditions, to which the Art Center agrees to conform. The subject land,

parking and driveways to be used in connection with the lease of the Premises are contained in an area outlined in red on Exhibit “B”.

1. Prior to occupancy by the Art Center, the Building is to be renovated, reconstructed and rehabilitated by the Art Center in accordance with plans to be submitted to and approved by the City Council, which approval will not be unreasonably withheld, provided same comply with building code requirements and all applicable regulations. Such renovation, reconstruction and rehabilitation may include expansion of the building. On or before April 1, 1986, the Art Center will submit preliminary architectural and engineering plans to the City Council and take all steps necessary to secure the safety of the Building before work on renovation, construction, rehabilitation and expansion commences. Work will commence not later than June 30, 1986 and be completed by March 31, 1987, subject to any acts of God and to approval of plans prior to June 1, 1986. After initial completion of the Building, the Art Center shall, from time to time, be permitted, at its expense, to make repairs, alterations or further improvements to the Building provided same comply with all applicable laws, regulations and building codes, and are approved by the City Council. In addition, the building shall be maintained in compliance with the standards contained in Section 117-8 of the Rye City Code. Ordinary repairs will not require approval of the Council.

2. The Art Center represents that it will have obtained donations and pledges of donations sufficient to cover the cost of the necessary renovation, reconstruction, rehabilitation and expansion when such work commences. In addition, the Art Center further represents that it will have individual guarantees issued against such pledges for the purpose of obtaining a bank loan to fund the renovations, reconstruction, rehabilitation and expansion when such work

commences. Copies of such guarantees will be filled with the Corporation Counsel for his review and approval.

3. The term of this lease is thirty (30) years, and shall begin upon approval of the plans by the City Council pursuant to paragraph 1 of this agreement. In consideration of the costs of the necessary renovation, reconstruction, rehabilitation and expansion, the annual rental is fixed at a nominal amount. That amount, One (\$1.00) Dollar, shall be paid to the City upon the signing of this lease agreement and annually thereafter on April 1st.

4. This agreement may be renewed after the thirty (30) year term at a negotiated rent. In establishing such rent the City will take into account the Art Center's capital contribution and its charitable nature. However, the Rye City Council, in its sole discretion, may determine not to renew this agreement. In such an event, a written notice of that determination must be served upon the Art Center at least one (1) year in advance of the expiration date of this agreement.

5. This agreement may be terminated by the City upon six (6) months advance notice if the renovation, reconstruction, and rehabilitation work is not commenced and completed as above provided or the building ceases to be used as an art center. The six (6) month notice period shall provide an opportunity for the Art Center to cure such failure in performance.

6. The Building shall be used as a center for arts in the community, and for related and incidental purposes, including instruction, exhibitions, general office and administration. The Art Center may lease space in the Building, either with or without charge, to other community organizations subject to the approval of the City Council. The making of space available on an occasional basis without a lease arrangement shall be cleared with the Rye City Manager.

7. During the term of this lease, the Art Center agrees that so long as the Building is maintained and operated by the Art Center, it will obtain at its sole cost and expense and continue in full force and effect for the joint benefit of the Art Center and the City, public liability insurance covering the Building, and the operation thereof, with limits of at least \$1,000,000 for personal injury and \$250,000 for property damage, and that it will furnish the City annually with a certificate evidencing such insurance. The City shall be named as an additional insured on such policy of insurance. The limits of such coverage shall be reviewed every two years and adjusted as necessary to adequately protect both parties.

8. The Art Center will be responsible for capital construction costs of the Building, including associated site development, and of its furnishings and equipment.

9. During the term of this lease, the Art Center shall, at its sole cost and expense, maintain fire and extended coverage insurance on the Building for the joint benefit of the Art Center and the City in an amount from time to time sufficient to prevent coinsurance and shall furnish the City annually with certificates evidencing such coverage. In the event of partial or total destruction, the insurance proceeds shall be used to reconstruct the premises. However, if the City and the Art Center mutually determine reconstruction is not feasible, the proceeds shall first be used to clear the site and make it safe. The remaining proceeds will then be distributed to the City minus an amount to be paid to the Art Center to cover its capital contribution. That amount shall be a percentage of the total proceeds equal to the percentage of the market value of the building formed by the Art Center's actual capital investment in the premises. The market value of the property shall be determined by a real estate appraiser satisfactory to the parties.

10. The Art Center shall pay all maintenance and operating costs attributable to the building, including but not limited to repainting; floor refinishing; glazing and caulking; gutter

and flashing repair and/or replacement; repair and/or replacement of mechanical or electrical systems or components; cost of electricity; gas and telephone service, and water. Real estate taxes shall not be payable by the Art Center, but the Art Center shall be responsible for the payment of sewer and refuse taxes. Maintenance of grounds, including grass cutting, snow plowing and maintaining driveways, sidewalks and parking areas, shall be performed by the City at its expense.

11. The City shall seek special State legislation approving this lease. The City agrees to use its best efforts to obtain this legislation. Any delay in obtaining such legislation shall delay for the same period the dates applicable to the parties hereunder.

12. This lease shall remain in force and effect only so long as the Art Center remains a not-for-profit corporation exempt from taxes pursuant to Section 501(c)(3) of the U.S. Internal Revenue Code. Each year, a copy of the Art Center's 990 tax form will be submitted to the City Comptroller for review. If such exemption is lost by the Art Center, the City may terminate this lease in the same manner as provided in Paragraph 5 of this agreement, unless such termination results from a change in tax laws affecting other charitable organizations.

The Rye Art Center, Inc.

By: _____

City of Rye

By: _____

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

On the ____ day of _____, 2013, before me personally came _____ to me known, who, being by me duly sworn did depose and say that he resides at _____; that he is the _____ of The Rye Art Center, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

NOTARY PUBLIC

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

On the ____ day of _____, 2013, before me personally came _____ to me known, who, being by me duly sworn did depose and say that he resides at _____; that he is the _____ of The City of Rye, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

NOTARY PUBLIC

AMENDMENT TO LEASE

Pursuant to paragraph 3 of the Agreement, the City hereby agrees to extend the existing Lease by an additional twenty-five (25) years commencing on the date the current Lease expires (April 24, 2016).

All other terms of the Agreement shall remain "as is" with the exception of the following modification:

- 1) Paragraph 4 of the Lease shall be amended to read as follows:

This agreement may be renewed after the additional 25 year term commencing on April 25, 2016. In establishing any rent the City will take into account the Art Center's capital contribution and its charitable nature. However, the Rye City Council, in its sole discretion, may determine not to renew this Agreement. In such an event, a written notice of that determination must be served upon the Arts Center at least three (3) years in advance of the expiration date of this agreement.

- 2) The City shall be responsible for performing minor repairs in the parking lot and striping the parking space lines;

The Rye Art Center, Inc.

By: _____

City of Rye

By: _____

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

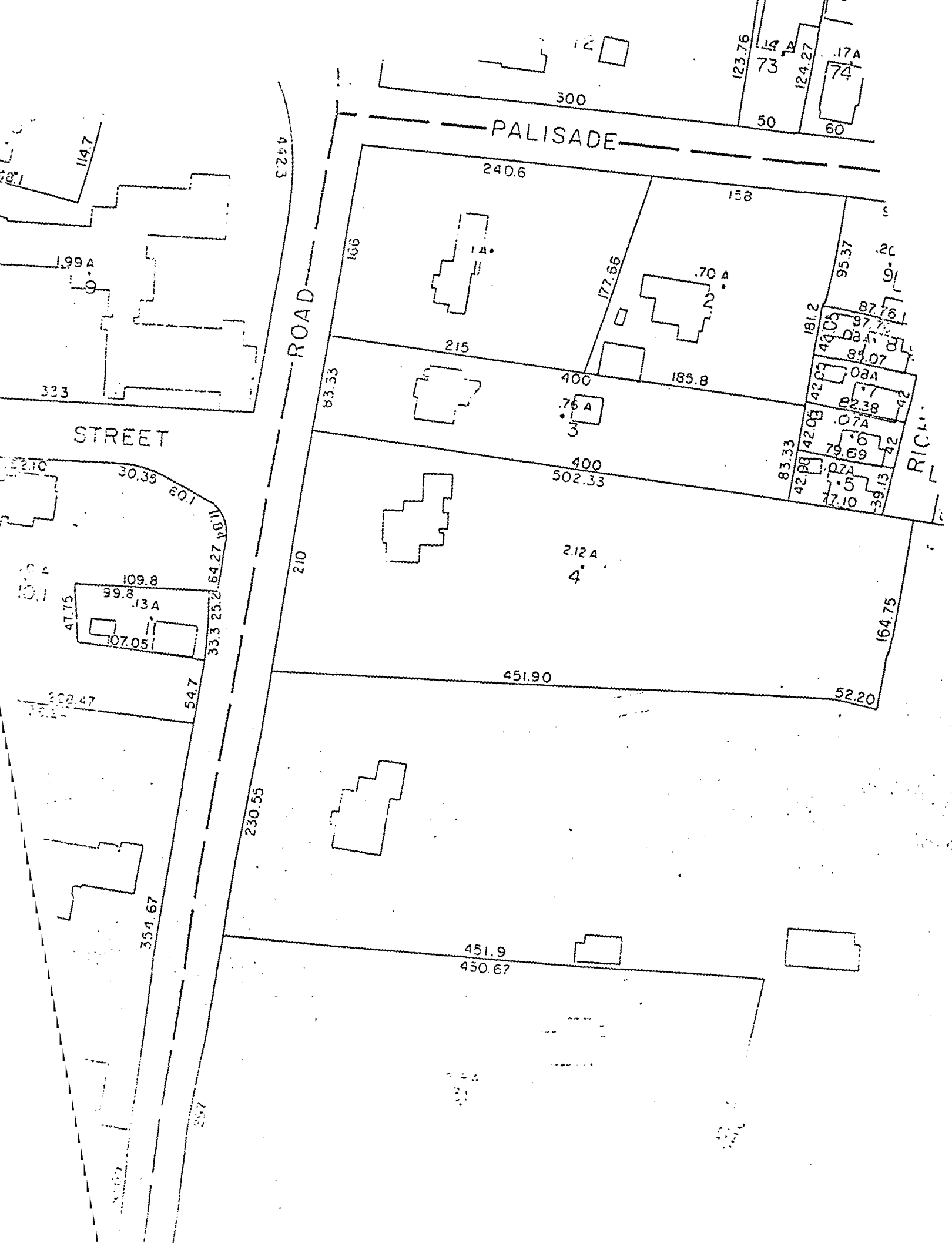
On the ____ day of _____, 2013, before me personally came _____ to me known, who, being by me duly sworn did depose and say that he resides at _____; that he is the _____ of The Rye Art Center, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

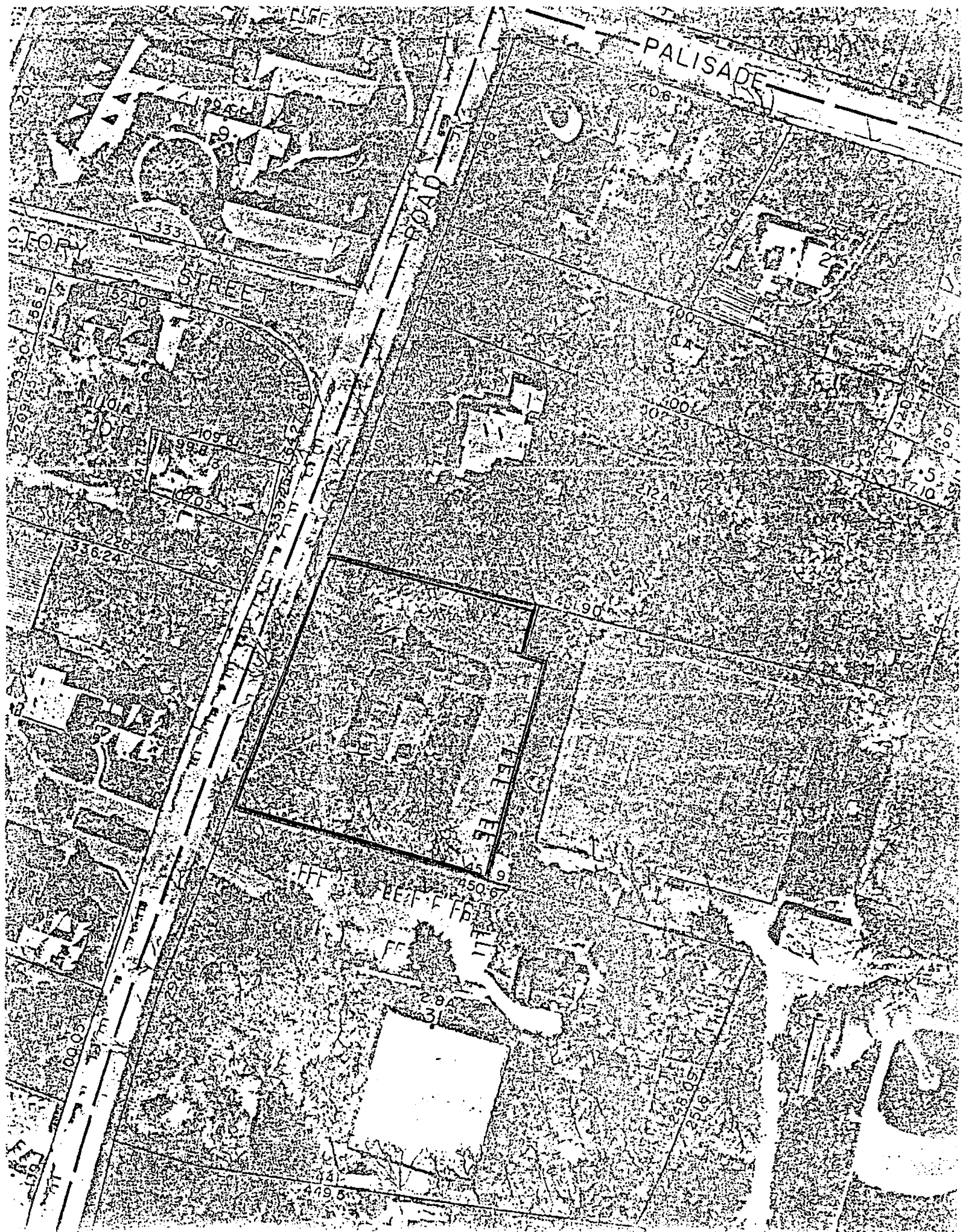
NOTARY PUBLIC

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

On the ____ day of _____, 2013, before me personally came _____ to me known, who, being by me duly sworn did depose and say that he resides at _____; that he is the _____ of The City of Rye, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

NOTARY PUBLIC







CITY COUNCIL AGENDA

NO. 20

DEPT.: Police Department

DATE: September 11, 2013

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Resolution to declare certain City of Rye Police equipment as surplus.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

Whereas, the Police Department has received a new boat through a grant from the New York State Department of Parks, Recreation, and Historical Preservation for use by the Marine Unit, now, therefore, be it

Resolved, that the Police Department has recommended that the existing 1990 Mako boat currently in use be declared surplus, and, be it further

Resolved, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other

Enhancement of the operational effectiveness of the Department.

BACKGROUND: The Police Department took delivery of a 24 foot "Justice"; a boat received at no cost to the Department through a grant from the New York State Department of Parks, Recreation, and Historical Preservation. The boat will replace the existing PB-2, a 1990 Mako that was donated to the Department. The new boat will be used by the Marine Division of the Rye Police Department.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



July 30, 2013

Memorandum for: Scott D. Pickup, City Manager

Subject: **PRESS RELEASE RE: BOAT GRANT**

Attached is a press release issued by the New York State Office of Parks, Recreation and Historic Preservation regarding the assignment of a Brunswick "Justice" patrol boat to the City of Rye. It is one of nine boats issued to jurisdictions throughout the state.

Submitted for your information.

WRC/wrc

A handwritten signature in black ink, reading "William R. Connors".

William R. Connors
Police Commissioner



NEWS RELEASE

Andrew M. Cuomo, Governor
Rose Harvey, Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Albany, New York 12238

For Immediate Release
July 26, 2013

Contact: Randy Simons
Dan Keefe
(518) 486-1868

Local Law Enforcement Agencies Receive Patrol Vessels to Enhance Safe Boating

New York State Office of Parks, Recreation and Historic Preservation Commissioner Rose Harvey today announced that nine Brunswick "Justice" patrol boats will be assigned to several local law enforcement agencies to assist with their marine law enforcement efforts.

"Tourists and residents alike enjoy New York State for its plentiful lakes, rivers and coastal waters, which provide many spectacular and diverse places for boating," Harvey said. "And with so many boaters travelling the state's waters, it is imperative that we continue to support local marine law enforcement efforts across the state as they ensure a safe and enjoyable recreational boating experience."

"Boaters in our state will be safer as a result of the continued cooperation between the New State Office of Parks, Recreation & Historic Preservation and the Sheriffs of New York State," said New York State Sheriffs' Association President, Monroe County Sheriff Patrick O'Flynn. "As the demands on counties to patrol grows, so too does the need for the proper equipment to keep up with those demands. Having vessels like these will help to ensure that the sheriff's deputies who patrol our waterways will be able to do so safely, effectively, and efficiently."

The vessels, valued at between \$60,000 and \$115,000 each, were made possible through a U.S. Coast Guard Recreational Boating Safety Grant, which provides funding to the states to assist with the boating safety mission. The primary mission for these vessels will be the safety of the recreational boater and the enforcement of the New York State Navigation Laws. Recipients of boats include the sheriff's departments in the counties of: Livingston, Schuyler, Rockland, Seneca, Cattaraugus, Madison, Wayne, Yates as well as the police department in the City of Rye.

Since 1959 NYS State Parks has supported local marine enforcement through the administration of a State Aid Program for Marine Law Enforcement that reimburses up to 50% of eligible expenditures. In 2013 a total of \$2 million will be paid to 53 law enforcement agencies for their efforts in 2012.

The State Parks Marine Service Unit is responsible for the general coordination of boating safety programs and supports marine law enforcement efforts across the state, including patrols, training and funding for local marine enforcement activities. For more information about boating safety – including listings of boating safety courses – and marine recreation in New York State, visit www.nysparks.com/recreation/boating.

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William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



July 24, 2013

Memorandum for: Scott D. Pickup, City Manager

Subject: **ACQUISITION OF BOAT FROM NYS DEPARTMENT OF
PARKS, RECREATION AND HISTORICAL PRESERVATION**

On July 24, 2013, the Police Department took delivery of a boat provided at no cost by the New York State Department of Parks, Recreation, and Historical Preservation. Police Officer Julio Rossi, Officer-in-Charge of the Marine Unit, was notified on July 23, 2013 that the Department had been selected to receive the vessel as a result of a grant application submitted several years ago.

The boat is a 24 foot "Justice" model center console built by the Brunswick Corporation as a commercial grade/law enforcement-purposed Boston Whaler. It is powered by twin 200 horsepower outboard engines and is fully equipped, including radar, GPS, warning lights and siren, floodlights, trailer, and marine band radio. The only equipment it needs is a police band radio and striping. It is a well-designed, high quality vessel that should have a long service life for the City of Rye.

Copies of the specifications for the boat, as well as background information on the model, are attached. We estimate the value of this vessel to be well in excess of \$75,000. There is no cost to the City; our only obligation is to return the boat to the State of New York when it is removed from service. Police Officer Rossi and his staff in the Marine Unit are to be commended for their initiative in pursuing this opportunity.

This boat will replace the existing PB-2, a 1990 Mako that was donated to the Department several years ago. That vessel will be available for disposal at auction.

Submitted for your information.

WRC/wrc

William R. Connors
Police Commissioner

cc: William A. Micalizzi, DPW Garage Foreman
Sgt. Larkin
P.O. Rossi, Marine Unit



RECEIPT

NEW YORK STATE PARK POLICE



DATE:

FORM PREPARED BY

POLICE OFFICER Lt. Mark Gridley

SHIELD

STATION Bear Mountain

THE PROPERTY LISTED BELOW HAS BEEN

(CHECK ONE)

X

NAME

REGION

2013 BC-240JC

SERIAL #

HIN:

24' JUSTICE BOAT

WHITE/HAZE/BLACK

MURCURY DUAL 200XL/CXL OPTI O/B ENGINE 25"

SIGNATURE

TITLE

Police Officer
City of Rye P.D.

SAMPSON STATE PARK
6096 ROUTE 96A
ROMULUS, NY 14541

SHIP
TO

P.O. Box 8464
Seattle, WA

EDIT/RE-PRINT				
DATE	NUMBER	TERMS	OUR ORDER NO.	ACCT. NO.
05/30/2013		NET30		
QUAN.	STOCK NO	DESCRIPTION		

DEALER PO#:
*** 2013 -BC-240JC SERIAL
HIN: 24' JUSTICE BOAT

1	60070	WHITE/HAZE/BLACK
1	852	MERCURY DUAL 200XL/CXL OPTI O/B ENGINE 25" XXL0 Port Engine Serial # 42XB Starboard Engine Serial #
1	60500	COMMERCIAL OPTIONS:
1	61526	EXTRA HEAVY DUTY RUB STRAKES (2 PER SIDE)
1	61540	STAINLESS STEEL CUTWATER
1	61543	HD BOW EYE REINFORCEMENT
1	61555	TRANSOM CORNER CHAFE PLATES
1	61402	DUAL ENGINE INSTALLATION & TEST
1	61421	MERCURY DUAL ENGINE PRE-RIG
2	61430	3 GALLON MERCURY VRO TANK
2	61470	RACOR FUEL/WATER SEPARATOR UPGRADE (EA)
2	61499	PROPELLER, SST V-6'S & V-8'S
1	60702	MERC DUAL ENG ANALOG GAUGE PACKAGE
4	60763	LED FLOODLIGHTS (EA)
2	60764	COCKPIT LIGHTING RED(EA)
1	60745	COMPASS-RITCHIE NAVIGATOR (FLUSH MNT)
1	60757	SPOTLIGHT, ACR REMOTE CONTROL 200,000 CP
1	61100	DELETE STANDARD SEATING
1	61122	36" ALUM LP W/ SHOTGUN STORAGE
1	62311	MEDIUM DECK UTILITY BOX W/CUSHION
1	61745	LIGHTBAR 48" LED EDGE ULTRA FREEDOM
1	60615	HEAVY DUTY T-TOP - J21
1	62451	WEATHER CURTAIN SYSTEM HEAVY DUTY T-TOP
1	62020	TORSIONAL TOW BAR
1	62032	ENGINE CRASH RAIL W/REMOVABLE HOOP
1	61576	RAW WATER WASH DOWN SYSTEM
1	60737	EXTENDED SWITCH PNL 1 OR 2 BILG/1 NAV/8 AUX
1	60738	ELECTRONICS DISTRIBUTION PANEL
1	60740	12 VOLT OUTLET

SAMPSON STATE PARK
6096 ROUTE 96A
ROMULUS, NY 14541

SHIP
TO

C/O WELLS FARGO
P.O. Box 8464
Seattle, WA 98108

EDIT/RE-PRINT				
DATE	NUMBER	TERMS	OUR ORDER NO.	ACCT. NO.
05/30/2013		NET30		
QUAN.	STOCK NO	DESCRIPTION		

1	60904	BATTERY SYSTEM DUAL ENG 2 START 1 ELEC
2	60927	OPTIMA 34M-1000 STARTING BATTERY
1	60928	OPTIMA D34M-870 DEEP CYCLE BATTERY
1	60950	BATTERY CHARGER 1-3 BANK (SELECT SHORE PWR)
1	60951	SHORE POWER 110VAC/60HZ
1	9550	@RAYMARINE E97 DISPLAY W/INT GPS & SOUNDER
1	60805	ANTENNA, RAYMARINE RADAR 24" 4KW 48NM DIGTL
1	60814	RADAR STUMP 10"
1	60841	VHF RADIO, ICOM IC-M422 W/ DSC
1	62700	HD ALUM TRAILER W/SPARE TIRE

Trailer #42XBK2422DB114228

CB13011-6 NEW YORK STATE PARKS

CUSTOMER NAME: NYS STATE PARKS & RECREATION

SUB TOTAL

BOATS

ACCESSORIES

INLAND FREIGHT

TOTAL INVOICE

US

* MAY NOT INCLUDE MFG. REBATES OR OTHER ALLOW

Brunswick Commercial and Government Products, Inc.
420 Megan Z Avenue, Edgewater, FL 32132, USA

STRAIGHT BILL OF LADING—SHORT FORM—Original—Not Negotiable

SHIPPER NO. 788952

LOAD NO. 6/20/2013

DATE: IN 2013

NAME OF CARRIER)

(SCAC)

TO
CONSIGNEE
STREET
ESTIMATION

State of New York
Hudson Valley
Bear Mt State Park
3006 Seven Lakes Drive
Bear Mountain, NY 10911
Phone: (845) 786-2701

STATE

ZIP

FROM
SHIPPER
STREET
ORIGIN

BRUNSWICK COMMERCIAL AND GOVERNMENT PRODUCTS, INC.
420 MEGAN Z AVE.
EDGEWATER
STATE FL ZIP 32132

ROUTE:

VEHICLE NUMBER

NO. SHIPPING UNIT	Description of articles, special marks, and exceptions	WEIGHT (Subject to correction)	Class or Rate	CHARGES (For carrier use only)	Check column
(1)	<p>24 Justice 114 Job #: [REDACTED]</p> <p>[REDACTED] OBMS: [REDACTED]</p> <p>VIN: [REDACTED] PO# [REDACTED]</p> <p>Engine No 1: [REDACTED]</p> <p>Engine No 2: [REDACTED]</p> <p>Engine No 3: [REDACTED]</p> <p>Note: If these commodities, technology or software are being exported from the United States, they must be in accordance with the Export Administration Regulations. Diversion contrary to U.S. law is prohibited.</p> <p>Driving Directions: 1. Head E on Seven Lakes Drive toward Perkins Memorial Drive. 2. At the traffic circle, take the 2nd exit and stay on Seven Lakes Drive. 3. Turn left onto Service Rd.... Destination will be on the right....</p> <p>Accepted by: [Signature]</p> <p>Dated: [REDACTED]</p>				

EMIT C.O.D. TO: BRUNSWICK BOAT GROUP
ADDRESS: C/O WELLS FARGO
PO BOX 84644
ITY: SEATTLE STATE WA ZIP 98124

COD AMT: \$

C.O.D. Fee:

PREPAID ☐COLLECT ☐ \$

If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's receipt".

Notes: - where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per _____.

Subject to Section 7 of conditions of applicable bill of lading, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

TOTAL

CHARGES: \$

FREIGHT CHARGES

Freight Prepaid
except when
box at right
is checked

Check box
if charges
to be
collected

RECEIVED, subject to the classifications and tariffs in effect on the date of this Bill of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), packed, consigned, and destined as indicated above, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own road or its own water line, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained (as specified in Appendix B to Part 1035) which are hereby agreed to by the shipper and accepted for himself and his assigns.

This is to certify that the above-named materials are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation PER:

SHIPPER: BRUNSWICK COMMERCIAL AND GOVERNMENT PRODUCTS, INC.

CARRIER:

ER:

PER:

DATE:

EMERGENCY RESPONSE

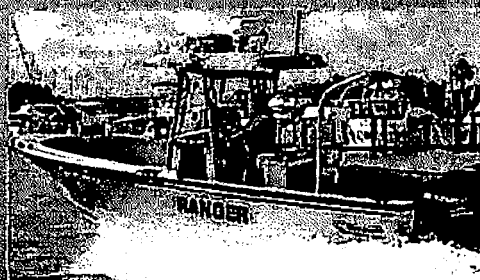
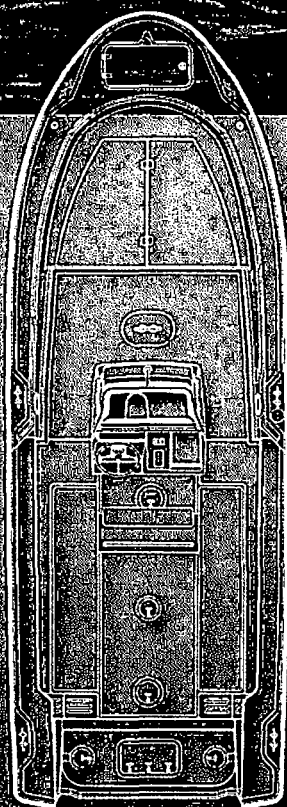
TELEPHONE NUMBERS: (800) 424-2400

MONITORED AT ALL TIMES THE HAZARDOUS MATERIAL IS IN TRANSPORTATION
INCLUDING STORAGE INCIDENTAL TO TRANSPORTATION. (172.604)

HAZARDOUS MATERIAL REGULATIONS: The U.S. Department of Transportation (DOT) has issued regulations for the transportation of hazardous materials. These regulations are found in 49 CFR 172.101 through 172.104. The shipper is responsible for ensuring that the materials are properly classified, described, packaged, marked, and labeled, and that the transportation is in accordance with these regulations.

24' Justice

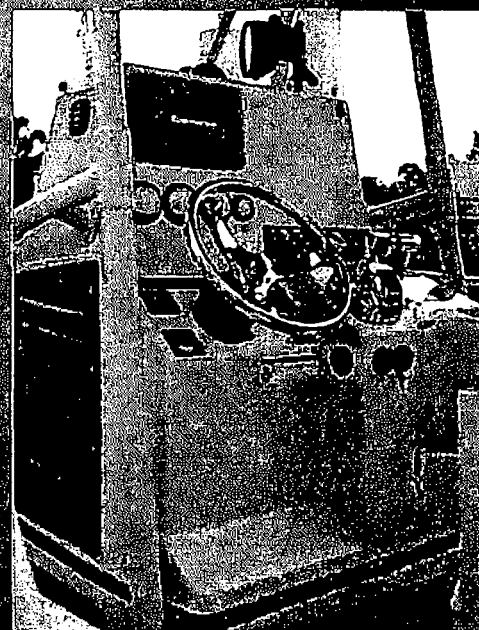
Unsinkable deep-V fiberglass hull • Available with single or twin engines • Fiberglass console with room to flush mount multiple electronics displays • Trim tabs standard • In-deck and locking console storage compartments • 10-year limited hull warranty



SINGLE OR MULTIPLE CREW OPERATION



LARGE LOAD CARRYING CAPACITY



CONSOLE WITH LOCKING STORAGE

SPECIFICATIONS

	US	METRIC
• LOA	23' 10"	7.26 m
• Beam	8' 6"	2.59 m
• Draft	17"	.43 m
• Weight (dry, no engine)	3500 lbs	1587 kg
• Max Weight	3810 lbs	1814 kg
• Person Capacity	12	12
• Max Horsepower	400 hp	298 kW
• Min Horsepower	200 hp	149 kW
• Max Engine Weight	1060 lbs	480 kg
• Transom Height	30"s / 25"d	.76 m / .63 m
• Fuel Capacity	120 gal	454 L



MANY OPTIONS AVAILABLE.

Standard Features

24' JUSTICE

- Unsinkable heavy-duty hull
- Self-bailing hull with scuppers
- White exterior / haze grey interior gelcoat
- Heavy-duty rub rail
- Black identification and trim markings
- Fiberglass J21 console with storage area, windshield and grab rail
- 36" heavy-duty aluminum leaning post with lockable door, shelf and grab rail
- Hydraulic steering
- Bow storage lockers with fiberglass covers and drains (2)
- Anchor locker with fiberglass cover and drain
- In-deck storage lockers with bilge pump / float
- Forward below-deck storage compartment with aluminum hatch
- Bow eye / lifting eye
- Stern eyes
- 10" cleats (6)
- Navigation lights
- Fire extinguishers (2)
- Bilge pumps with automatic float switches (2)
- Switch panel – bilge (2), navigation lights and auxiliary (4)
- 120-gallon baffled aluminum fuel tank
- Electric trim tabs
- 10-year limited hull warranty

Options

Heavy Duty Hull Equipment

- Stainless steel cutwater
- Stainless steel bow eye reinforcement
- Stainless steel transom corner chafe plates
- Gunwale lifting eyes
- Heavy-duty rubbing strakes
- Low bow rails
- High/low bow and side rails
- High side rails
- Bow rail
- High bow rail with center boarding rails
- Lashing rails
- Recessed floor tie-down
- Radial arm davit
- Hull side foam fender system
- Custom color
- Painted hull lettering
- Painted hull slash
- Bottom paint

Console and Steering

- Medium Fiberglass console
- Aluminum console
- Hydraulic tilt steering

Engine and Drive System

- Twin Outboard Engine Installation
- Mercury Outboard Engine(s)
- Yamaha Outboard Engine(s)
- Honda Outboard Engine(s)
- Evinrude Outboard Engine(s)
- Racor fuel/water separator upgrade
- Stainless propellers
- Sea trial and systems check at BCGP facility
- Smartcraft Gauges
- Gauge package

Navigation and Safety

- Handheld spotlight
- Floodlight
- Cockpit light
- Analog compass
- Digital compass
- Remote control spotlight
- Fire extinguisher

Seating and Storage

- Shock mitigating seat
- Stern seat
- Pedestal seat
- Leaning post with door and aft storage box
- Leaning post with gunrack
- Tubular aluminum leaning post with aft seat
- Small deck utility box
- Medium fiberglass deck utility box
- 72 Quart Cooler
- 94 Quart Cooler

Law Enforcement

- Strobe light
- LED Strobe light
- Siren with amplifier
- Flush mount strobe with built-in siren and amp
- Whelen light bar
- Whelen light bar with siren, PA, and amplifier
- Whelen LED light bar

Weather Protection

- Suntop with boot
- Heavy duty T-top
- Canvas weather curtain system
- Canvas cover for console
- Canvas cover for leaning post
- Canvas mooring cover

Diving and Rescue Equipment

- Engine crash rail
- Torsional tow bar
- Torsional tow bar with tower
- Torsional tow bar take up reel
- Rescue rails
- Dive tank rack
- Floor matting
- Freshwater shower
- Raw water washdown

Electrical Accessories

- Solar charging system
- Shore power
- Battery charger
- 12 Volt outlet

Firefighting

- 20 HP Darley Fire pump system
- Remote Monitor

Trailer

- Aluminum trailer
- Galvanized Trailer

Standard features and options are subject to change without notice. Partial listing of notable options only; please contact a BCGP representative for a complete list of available options.



CITY COUNCIL AGENDA

NO. 21

DEPT.: Finance

DATE: September 11, 2013

CONTACT: Joseph S. Fazzino, Acting City Comptroller

AGENDA ITEM: Resolution to appropriate \$30,011 from the Building and Vehicle Fund, Fund Balance to the 2013 Police Vehicles Fund for the purchase of a fleet car.

FOR THE MEETING OF:
September 11, 2013

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the purchase of a fleet car for the Police Department were not anticipated and were not provided for in the adopted 2013 budget by \$30,011, and;

WHEREAS, the Building and Vehicle Fund, Fund Balance Account has enough funds to be appropriated for the purchase, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$30,011 from the Building and Vehicle Fund, Fund Balance to the 2013 Police Vehicles Fund for the purchase of a fleet car.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Police Department is in need of a Police fleet car to replace an older vehicle which is ready to come out of service. Funds need to be transferred internally to make this purchase.

See attached.

THE CRUISERS DIVISION
(TCD)

420 Mt. Pleasant Ave
Mamaroneck, NY 10543

(914) 381-7700
(914) 381-5645 fax
gg@copcars.net

July 12, 2013

City of Rye
Att. Billy Micalizzi
Contract # RFD-WC-10140
2013 Ford SUV Interceptor
Color Black
Interior Code Charcoal

Base	29960.00
Destination	895.00

Factory Options

	MSRP	Discounted Cost
60R Noise Suppression Pkg. bonding straps	100.00	
51R Led Spot Light	395.00	
76R Reverse Sensor	275.00	
60A Wire Harness	50.00	
53M Sych Blue Tooth	295.00	
21B Rear Camera	245.00	
59B Fleet Key	50.00	
66A Front Headlight Housing	125.00	
68G Rear Door Locks Inop	50.00	
549 Heated Side View Mirrors	60.00	
43D Dark Car (TCD)	20.00	

Skid Plate	335.00
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33,695.00

With 5% discount
GPC Discount 2,000.00

Total	30,010.25
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CITY COUNCIL AGENDA

NO. 22

DEPT.: Police

DATE: September 11, 2013

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: General Order #117.09, General Order #106.05, and General Order #105.04.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: Approval of three General Orders: General Order #117.09, General Order #106.05, and General Order #105.04.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed revision of the following General Orders updates the Department's procedures:

General Order #117.09 establishes a required policy for the deployment of all-terrain vehicles

General Order #106.05 updates the Department's procedures regarding "Stopping Violators"

General Order #105.04 updates the Department's procedures regarding "Airborne or Bloodborne Pathogens"

A copy of the proposed orders are attached. They have been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

See attached.

General Orders

General Order #117.09, "Deployment of All Terrain Vehicles": the Department has obtained several all-terrain vehicles (ATVs) at no cost from the Department of Defense Law Enforcement Support Office 1033 Excess Military Surplus Property program. The first vehicle was used for patrol of Rye Town Park on July 4th, and proved highly successful. The vehicles are intended for use during such large scale events, search and rescue operations, weather emergencies, and similar incidents. The proposed General Order #117.09 establishes a required policy for the deployment of the vehicles.

General Order #106.05, "Stopping Violators": the proposed revision updates the Department's procedures regarding "Stopping Violators" to clarify procedures for voiding summonses issued in error.

General Order #105.04, "Airborne or Bloodborne Pathogens": the proposed revision updates the Department's procedures regarding "Airborne or Bloodborne Pathogens" to identify the Department's Infection Control Officer by title, rather than by name, to make it consistent with current practice.

CITY OF RYE POLICE DEPARTMENT

General Order #117.09	New [x] Supersedes:	Revised []
Subject: Deployment of All Terrain Vehicles (ATVs)		
Date Issued	Date Effective	Page 1 of 2
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE: The Department has obtained several All-Terrain Vehicles (ATVs) through the Department of Defense Law Enforcement Supply Office 1033 program. The following guidelines have been established for their deployment and operation.

1. **Deployment**

ATVs will be deployed only upon authorization of the Police Commissioner or a lieutenant. They will typically be used for special events and details. The ATV may be used during special events to provide efficient transportation of officers when incidents require. Incidents involving large expanses of land, such as searches and remote crime scenes, may also require the use of the ATV. Only members of the Department who have been authorized by the Police Commissioner or the Patrol Lieutenant based on evaluation of their prior experience or completion of a department training course will operate the vehicles.

Non-bike patrol officers will wear their normal duty uniforms (long pants and choice of short or long sleeve shirt) while using ATVs. Bike patrol officers may wear bike patrol uniforms. Appropriate safety equipment will be worn when operating the ATV. This includes, but is not limited to, protective eyewear, Department-issued multi-purpose helmet or approved DOT motorcycle helmet, appropriate footwear (boots that cover the ankle), and protective gloves. Under appropriate circumstances based on the nature of the assignment, when specifically authorized, a bicycle helmet may be worn.

2. **Operation**

ATVs are designated as off-road vehicles, and will be used on public roads only when necessary. ATV riders will operate at slow speeds and use due caution. Emergency equipment should be activated when responding to an emergency call. ATVs will not be used to pursue motor vehicles. ATV riding officers will not initiate felony traffic stops.

3. Pre-Ride Procedures

Assigned officers will be knowledgeable of ATVs and the safety procedures associated with them. Prior to duty on an ATV, each officer must perform a pre-ride inspection of the ATV with particular attention to the following areas:

T = Tires and Wheels (air pressure, condition, wheel bearings, lug nuts, etc.)
C = Controls and Cables (location, operation, throttle, brakes, shifter)
L = Lights and Electrics (Ignition switch, engine stop switch, light)
O = Oil and Fuel (levels, vents, air filter, fuel supply valve)
C = Chain/Driveshaft, Chassis and Suspension (free play, condition/lubrication/wear, bolts)

Any problems noted during the inspection will be reported to the Tour Supervisor. The ATV will not be operated if any condition exists which affects the safety of the unit or could cause damage to the vehicle if not repaired prior to operation.

4. Ride Procedures

Officers will operate cautiously and bear in mind the potential environmental impact of the machine at all times when riding ATVs. This term means taking the environment, turf, grass around buildings, and land surface into consideration when operating an ATV. Any non-professional operation of the ATVs ("horseplay," intentional destruction of property/turf/trees, intentional destruction of the ATV, or reckless behavior) will not be tolerated.

In the event of an accident involving an ATV, the riding officer will notify the Tour Supervisor who will prepare an accident report.

5. Post-Ride Procedures

At the end of duty, the officer operating the ATV will re-fuel as well as clean/rinse any dirt, dust, or mud collected during tour of duty. The ATV will then be returned to its designated storage area.

CITY OF RYE POLICE DEPARTMENT

General Order #106.5

New [~~x~~]

Revised [~~x~~]

Supersedes:

Subject:
Stopping Violators

Date Issued

Date Effective

11/01/96 ~~xx/xx/2013~~

~~11/01/96~~xx/xx/2013

Page 1 of 6

Issuing Authority:

William ~~A. Pease~~R. Connors, Police Commissioner

Stopping Violators

1. Traffic Law Enforcement Practices General

Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their normal duties.

- a. Patrol involves traffic enforcement within the officer's assigned area of responsibility.
- b. Patrol involves traffic enforcement with concentration on a particular section of roadway.
- c. Directed patrol instructions can specify enforcement in an area, or at a specific location, depending on the nature of the hazard/violation.
- d. Stationary observation, either cover or overt, may be used as a technique to make observations about the flow of traffic and particular location. Officers are encouraged when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws.

2. Objectives of Traffic Stops

There are two major objectives of a traffic stop. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental and physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives, which are:

- a. To take proper and appropriate enforcement action.
- b. To favorably alter the violator's future driving behavior.

3. Traffic Violator/Officer Relations

- a. Followed in all traffic stops;
 - 1. Be alert at all times for the unexpected.
 - 2. Be absolutely certain the observations of the traffic violation were accurate.
 - 3. Present a professional image in dress, grooming, language, bearing and emotional stability.
 - 4. Be prepared for the contact by having the necessary equipment and forms if they are to be used, immediately available.
 - 5. Decide on the appropriate enforcement action based upon the violators driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out of state driver committing a violation that might not be a violation in his jurisdiction, such as right turn on red light. The officer may then decide to issue a warning rather than a citation.
- b. Before making a vehicle stop;
 - 1. Maintain a reasonable distance between the vehicle and the police unit.
 - 2. Locate a safe spot to stop the vehicle.
 - 3. Activate the emergency red lights and, when necessary, siren to signal the vehicle to stop.
 - 4. Advise the dispatcher of intention to stop the particular vehicle, giving location of stop and vehicle's license number and/or other description when necessary.
 - 5. Officer should position the police vehicle approximately one half to one car length behind the violators vehicle. The police vehicle shall be positioned so that it will offer the officer some protection from outside and to the left of the violators vehicle. This position provides maximum safety to the violator, the officer, and all other traffic. Dispatcher will run license plate and give officer all data.
- c. When stopping a vehicle in which the occupant(s) is deemed to present a hazard to the officers safety, in addition to the above:
 - 1. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before the actual stop.

2. Train the units auxiliary lights (spotlight and alley lights) on the occupant(s) of the vehicle when applicable.

General Order #106.5 Page 3 of 6

d. Hazards

1. On Multi-lane roadways, the officer should insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
2. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him to move to a safer location. Officers should use oral directions and gestures to instruct violators to move to a safer location. If these directions are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.

e. Approaching the Violator

1. The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver) and the existing volume of traffic may require adjusting or altering the recommended procedure. Under ideal conditions, follow these procedures if possible:
 - a. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or action on the part of the violator or other occupants in the violators vehicle.
 - b. The officer shall approach from the rear of the violators vehicle, looking into the rear seat and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keeping all occupants of the vehicle in view.
 - c. In cases where the violators car has occupants in both front and rear seats, the officer should approach to the leading edge of the left front door, alert for any unusual actions on the part of the occupants, and choosing a position so the door cannot be used as a weapon against the officer.
 - d. In traffic stops made by two man patrol vehicles, the passenger officer shall handle all radio communication write all notes and messages relayed from the communications center and during the traffic stop shall leave the vehicle and act as an observer and

cover for his fellow officer. At no time shall the two officers approach the violator together.

General Order #106.5 Page 4 of 6

- e. At night, officer shall exercise caution in selecting an appropriate place for the traffic stop, signaling the violator and positioning the police vehicle. After the stop, the head lights shall be on low beam for the safety of oncoming traffic, and emergency bar lights and emergency flashers in use on the patrol vehicle (as well as during the day).

f. Communicating with the Violator

In transacting his business with the violator, the officer shall:

1. Greet the violator courteously with an appropriate title.
2. Inform the violator what traffic law he has violated and the intended enforcement action; the violator should not be kept in suspense.
3. Ask for the violators drivers license and vehicle registration and insurance card.
4. If the driver has no drivers license, obtain another document of identification.
5. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
6. Complete the forms required for the enforcement action taken or exercise an oral warning, if appropriate.
7. Explain to the violator exactly what he is suppose to do in response to the action taken and how this action will affect him.
8. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator but do not predict the actions of the court.
9. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

g. Conducting the Transaction

1. Traffic law violations committed by out of state residents will be handled in the same manner an officer would handle a New York State resident.

2. Return the violators drivers license, registration, and insurance card.
3. Release the defendant after receiving a copy of the summons.
4. Assist the violator in safely re-entering the traffic flow.

General Order #106.5 Page 5 of 6

4. Stopping a Known or Suspected Felon

Special procedures shall be used in vehicle stops when the occupants are known to be armed and dangerous. When a vehicle driven by a known or suspected felon is located by an officer he will notify the dispatcher immediately of his location and give a thorough description of the vehicle and its occupants. The officer will keep the suspect vehicle in view and request sufficient assistance in making the stop.

The officer will keep support units informed of the location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle will not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one officer felony vehicle stop.

The following procedures will be used in effecting the stop:

- a. The officer will plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.
- b. When conditions are appropriate and support units available, the officer will move into position to the rear of the suspect vehicle.
- c. The officer will signal the violator to stop, using all emergency equipment to warn other traffic.
- d. The violator will be stopped on the extreme right side of the road.
- e. If the violator is known to be armed and dangerous, the officer will have his weapon easily accessible and ready for immediate use.
- f. When the suspect vehicle begins to stop, the officer will turn off the siren.
- g. The officer will park the police vehicle so that it provides maximum protection and cover.
- h. At night, the officer shall focus all lights on the interior of the suspect vehicle.
- i. The officer will leave the police vehicle quickly but remain behind the door post.
- j. Once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside

his door. The officer making the stop is in command and will direct each occupant, using loud and firm commands to get out of the vehicle and into the appropriate search position. Next, the officer shall order the occupants to place their hands, palms up, on the ceiling of the vehicle. Officers shall then order occupants to exit the vehicle on the drivers side only, one at a time. Occupants will then be ordered to lie face down on the ground.

General Order #106.5 Page 6 of 6

- k. To reduce confusion, the officer will instruct support officers as appropriate, and will be the only officer to direct the suspects.
- l. Suspects will then be ordered back one at a time to arresting officers, preferably between the marked cars, handcuffed, searched and secured.

5. Recordkeeping

- a. Uniformed members of the Department will complete the form "DMV UT 50 Receipt for Simplified Information Complaint" when they are issued packets of Uniform Traffic Tickets. The form will be returned to the Staff Services/Records Section.
- b. Issued tickets will be submitted at the end of each tour for processing.

6. Summonses issued in error

- a. When a uniformed member of the Department issues a summons in error (i.e., incorrect information entered on summons; summons mutilated or not usable):
 - i. Submit all parts of the summons to the Tour Supervisor with completed "Summons Void Form." Mark "VOID" across the face of the summons.
 - ii. Tour Supervisor will investigate the circumstances, sign the "Summons Void Form," and submit the form to the Staff Services/Records Section with all available copies of the summons.

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City Of Rye Police Department Summons Void Form

T.S.L.E.D. Summonses

Summons #	Date	Violation	Plate #	Person	Officer

Parking Summonses

Summons #	Date	Violation	Plate #	Location	Officer

City Ordinance Summonses

Summons #	Date	Violation	Person	Location	Officer

Reason: (i.e. wrong information entered on ticket; ticket mutilated and not usable.)

Officers Signature:

Sgt. Signature:

CITY OF RYE POLICE DEPARTMENT

General Order #105.4	New [x] Revised [<u>x</u>] Supersedes:
Subject: Airborne or Bloodborne Pathogens	
Date Issued <u>11/01/96-xx/xx/2013</u>	Date Effective <u>11/01/96xx/xx/2013</u>
Page 1 of 15	
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner	

Policy Statement

In recognition of the special hazards associated with risk of exposure to and transmission of Airborne or bloodborne pathogens, including but not limited to HIV (human immunodeficiency virus) and HBV (hepatitis B virus), the following special policies and procedures are adopted for all work entailing such risk.

Whenever an officer is exposed to a suspected blood or airborne pathogen, whether it's a minor or significant exposure, an aided report must be filed containing only basic information regarding the incident that led to the exposure. Detailed information containing the fact that an officer was exposed, what he or she was exposed to, method of exposure, area of exposure, and length or concentration of exposure, should all be reported on a supplementary report. The names of other persons present, as well as any treatment the officer received, and by whom, should also be detailed on the supp. An aided should be filed whether the officer is injured or not. A copy of all of these reports should then be forwarded to this department's designated officer as soon as possible. At this time, the A ranking officer will be designated as the Police Department's Infection Control Officer and ~~Designated Officer~~ under the Bloodborne Pathogen law ~~is Sgt. J. Reichert.~~

In instances where there is the possibility of significant exposure, an effort should be made to contact the departments designated officer as soon as possible by phone or pager to insure that the officer receives the appropriate post exposure evaluations, and that all the necessary information concerning the exposure has been gathered and documented.

A significant exposure is considered when the following situations exist:

1. Whenever blood or internal body fluids, or other body fluids visibly containing blood, such a vomitus or saliva contaminated with blood, come into contact with skin surface areas that are cut, or have abrasions or open sores, or have been penetrated by a sharp object.
2. Significant exposure may also occur if any of the above fluids comes into contact with mucous membranes, such as the eyes or mouth, or there is prolonged contact or massive exposure to blood.

Should significant exposure occur, the Tour Supervisor or Desk Officer will, without unnecessary delay, see to it that the affected officer goes to the

emergency room for evaluation and treatment, and that the department designated officer is notified, and that the proper reports are filed.

General Order #105.4 Page 2 of 15

Note: If an officer has significant contact with body fluids under emergency circumstances in which differentiation between fluid types is difficult, if not impossible, all body fluids are to be considered potentially infectious.

If exposure is relatively minor and does not come under the category of a significant exposure, it should, none-the-less, be documented with a copy sent to the department designated officer for follow up with the department physician if needed.

Exposure Control Plan

In conjunction with use of these policies and procedures, an exposure control plan will be implemented to minimize or eliminate exposure to bloodborne pathogens.

Universal Precautions

All blood and body fluids will be treated as infectious, although the special hazards and higher risks of transmission with certain body fluids are recognized. Universal precautions will be used in all work activities with any potential for exposure to blood or other body fluids.

Engineering and Work Practice Controls

Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

Handwashing:

1. Handwashing facilities which are readily accessible to employees shall be provided. When provision of handwashing facilities is not feasible, either an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels or towelettes will be provided. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
2. Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

Handling of Sharps

1. Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed. Shearing or breaking of contaminated needles is prohibited. Contaminated needles and other contaminated sharps shall not be recapped or removed unless no alternative is feasible or such action is required by a specific medical procedure which must be documented and approved by an Infection Control Representative prior

to the use of such procedures. Recapping or needle removal shall be accomplished by a mechanical device or one-handed technique; no shearing or breaking of contaminated needles is performed.

General Order #105.4 page 3 of 15

2. Hypodermic syringes or needles that are obtained by the Department are to be secured in a puncture resistant tube and transported to United Hospital Emergency Room for proper disposal.
3. Contaminated reusable sharps shall be placed in appropriate containers (puncture resistant, leakproof on sides and bottom. BioHazard labeled) and shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

Personal Habits & Food and Drink

1. Eating, drinking, smoking, application of cosmetics or lip balm, and handling contact lenses are prohibited in work areas with reasonable likelihood of occupational exposure to bloodborne pathogens.
2. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.

Special Work Practices

1. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances. Mouth pipetting of blood or other potentially infectious materials is prohibited. No objects should be placed in the mouth. The nose, mouth and eyes should not be touched during or after patient contact until proper handwashing procedures have been followed. Special care and precautions shall be taken at any time an employee may have open cuts or sores or dermatitis that may compromise the barrier protection provided by skin. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.
2. The minimum number of personnel required shall be involved with any procedure entailing exposure to bloodborne pathogens and exposure time should be minimized.

Storage & Transport of Blood or Other Infectious Body Fluids

1. The container for storage, transport, or shipping, including freezers and refrigerators used for storage of blood or other potentially infectious materials shall be BioHazard labeled or color coded with florescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or in red bags substituted for labels (except for containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use)

and closed prior to being stored, transported or shipped.

General Order #105.4 Page 4 of 15

2. If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport or shipping and is labeled or color-coded with florescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or in red bags substituted for labels.
3. If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is puncture resistant in addition to the above characteristics.

Equipment Contaminated by Blood or Other Infectious Body Fluids

1. Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary unless unfeasible. If unfeasible, the reasons for inability to decontaminate the equipment shall be documented by the Infection Control Representative and those portions that have not been decontaminated shall be labeled or color-coded with florescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or in red bags substituted for labels. Further the Infection Control Representative shall ensure that this information is conveyed to all affected employees, the servicing representatives, or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions shall be taken.

Personal Protective Equipment

1. All employees performing tasks entailing reasonably anticipated exposure to blood or other potentially infectious materials will be provided and are required to use appropriate personal protective equipment, such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Such equipment shall be repaired or replaced as needed to maintain its effectiveness, at no cost to the employee. Personal protective equipment will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.
2. Under rare and extraordinary circumstances it is the employee's professional judgement that in the specific instance use of protective clothing and equipment would have prevented the delivery of health care or public safety services or would have posed an increased hazard to

the safety of the worker or co-worker, the employee shall document these circumstances and inform the Infection Control Representative, who shall investigate the circumstances and determine whether changes can be instituted to prevent such occurrences in the future. The Infection Control Representative shall document all such occurrences.

General Order #105.4 Page 5 of 15

3. Appropriate personal protective equipment in the appropriate sizes shall be readily accessible at the worksite or issued to employees. Hypo-allergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the glove normally provided.
4. Any garment penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
5. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin and when performing vascular access procedures, as well as;
 - a. Handling any individual who has come into contact with any bodily fluid.
 - b. Handling clothing that has come into contact with any bodily fluid.
 - c. Handling any equipment that has come into contact with any bodily fluid.
 - d. Searching prisoners.
 - e. Booking Prisoners.
 - f. Handling personal property of prisoners.
 - g. Handling any sharp instruments such as hypodermic syringes, needles, knives or razors.
 - h. Cleaning up any bodily fluid.
 - i. The member feels that it is necessary to wear gloves.
6. Disposable (single use) gloves such as surgical or examination gloves and utility gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised and shall not be washed or decontaminated for re-use.
7. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin length face shields, shall be

worn whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

8. Protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in situations with reasonably anticipated exposure to blood or other potentially infectious materials. The type and characteristics will depend upon the task and degree of exposure anticipated.

General Order #105.4 Page 6 of 15

9. Surgical caps or boots or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated.

Cleaning and Disinfection

1. The worksite shall be maintained in a clean and sanitary condition. The specific written schedules for cleaning and methods of decontamination outline in the cleaning schedule shall be followed.
2. All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
3. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials and at the end of the work shift if the surface may have become contaminated since the last cleaning.
4. Protective coverings, such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.
5. All bins, pails, cans and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated according to the cleaning schedule and decontaminated immediately or as soon as feasible upon visible contamination.
6. Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.
7. Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
8. Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are closable, puncture resistant, leakproof on sides and bottom and labeled or color-coded with fluorescent orange or orange-red labels with lettering symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing

loss or unintentional removal or in red bags substituted for labels.

9. During use, containers for contaminated sharps shall be easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found, maintained upright throughout use, and replaced routinely and not allowed to overfill.

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10. When moving containers of contaminated sharps from the area of use, the containers shall be closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping and placed in a secondary container if leakage is possible. The second container shall be closable, constructed to contain all contents and prevent leakage during handling, storage, transport or shipping and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive or other method preventing loss or unintentional removal or in red bags substituted for labels.
11. Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of injury.

Medical Waste

1. Medical waste shall be considered any liquid or semi-liquid blood or other potentially infectious materials, dried blood or other potentially infectious materials in any form. This includes any items which may have such materials on them in any form with the exception of reusable equipment, instruments, or personal protective clothing and equipment which undergoes proper decontamination procedures.
2. Medical waste shall be placed in containers which are closable, constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or in red bags substituted for labels. These shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.
3. If outside contamination of such containers occurs, it shall be placed in a second container. The second container shall be closable, constructed to contain all contents and prevent leakage of fluids during handling storage, transport or shipping, and labeled or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed

as close as feasible to the container by string, wire, adhesive or other method preventing loss or unintentional removal or in red bags substituted for labels. This container shall be closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

4. Disposal of all Sharps and Medical Waste shall be in accordance with applicable regulations of the United States, this state, and local ordinances.

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Laundry Practices

1. Contaminated laundry shall be handled as little as possible and shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use. Contaminated laundry shall be placed and transported in bags or containers or color-coded with fluorescent orange or orange-red labels with lettering or symbols in a contrasting color affixed as close as feasible to the container by string, wire, adhesive, or other method preventing loss or unintentional removal or in red bags substituted for labels. Universal precautions shall be used in the handling of all soiled laundry.
2. Whenever contaminated laundry is wet and presents a reasonable likelihood of soak through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak through or leakage of fluids to the exterior.
3. All employees who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment.
4. All contaminated clothing will be properly bagged and placed in the safe. A supplementary report will be written to the Infection Control Officer who will make arrangements for cleaning or replacement.

Hepatitis B Vaccination

1. Hepatitis B vaccine and vaccination series shall be made available to all employees with reasonably anticipated exposure to blood or other potentially infectious materials at no cost to the employee, at a reasonable time and place, and performed by or under the care of a licensed physician or under the supervision of another licensed healthcare professional. These shall be provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory at no cost to the employee.
2. Hepatitis B vaccination shall be made available after the employee has received the Bloodborne Pathogens Education Program and within

10 working days of initial assignment to duties with reasonably anticipated exposure to blood or other potentially infectious materials unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons. Pre-screening is available to, but not required of, such employees and is provided at no cost. Employees initially declining hepatitis B vaccination but at a later date decide to accept the vaccination, the hepatitis B vaccination shall be made available according to the provisions of this policy at that time.

3. All employees who decline to accept hepatitis B vaccination offered by the employer shall sign the Hepatitis B Vaccination Refusal Form.

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4. Routine booster dose(s) of hepatitis B vaccine recommended by the U.S. Public Health Service shall be made available to employees who at the time such recommendations are applicable have reasonably anticipated exposure to blood or other potentially infectious materials at no cost to the employee, made available to the employee at a reasonable time and place, and performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.
5. The Infection Control Officer will maintain all records in relation to Hepatitis B vaccination.

Post-Exposure Evaluation and Follow-up

1. After an exposure incident, a confidential medical evaluation and follow-up shall be made immediately available to the exposed employee including:
 - a. Documentation of the route(s) of exposure and the circumstances under which the exposure incident occurred.
 - b. Identification and documentation of the source individual (unless it can be established that identification is infeasible or prohibited by state or local law).
 - c. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.
 - d. Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place. All laboratory tests are conducted by an accredited laboratory at no cost to the employee.
3. The healthcare professional responsible for the employee's Hepatitis B vaccination shall be provided the Post-Exposure Assessment Package. This package includes a copy of the Bloodborne Pathogens Rule, a description of the exposed employee's duties as they relate to the exposure incident, documentation of the route(s) of exposure and circumstances under which exposure occurred, results of the source individual's blood

testing, if available, and all medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

4. A copy of the evaluating healthcare professional's written opinion shall be obtained and provided to the employee within 15 days of the completion of the evaluation. The healthcare professional's opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee and if the employee has received such vaccination. The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to documenting that the employee has been informed of the results of the evaluation and that the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

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5. Based upon the recommendation of the healthcare professional providing the post-exposure evaluation, the source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, it shall be established that legally required by law, the source individual's blood, if available, shall be tested and the results documented. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated. Results of the source individual's testing shall be made available to the exposed employee and to the licensed physician or licensed healthcare official performing the required post-exposure medical evaluation and follow-up of the exposed employee. The employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
6. Based upon the recommendation of the healthcare professional providing the post-exposure evaluation, the exposed employee's blood may be collected as soon as feasible and tested after consent is obtained. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.
7. Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service, shall be given by or under the supervision of the licensed physician or other licensed healthcare professional performing the post-exposure medical evaluation of the exposed employee.
8. Counseling and evaluation of reported illnesses shall be provided to the exposed employee by the licensed physician or other licensed healthcare professional performing the post-exposure medical evaluation of the exposed employee as needed and indicated.

Crime Scene

1. Hypodermic syringes, needles or any sharp instrument that is to be

retained as evidence by a member is to be placed in a puncture resistant tube.

2. Members are to wear the contents of communicable disease kits when scraping blood or secretion sample for evidence. All contaminated evidence should be properly marked as bio-hazard. Used communicable disease kits shall be disposed of in a bio-hazard bag and transported to the United Hospital Emergency Room for proper disposal.

Transportation and Custody

1. No member shall refuse to arrest or otherwise provide police service to any person who has or is suspected of having a communicable disease.
2. Any individual having bodily fluids on their person or other clothing is to be transported in a separate vehicle away from others.
3. Members are obligated to inform relevant personnel during the transfer of custody of a person that the person has bodily fluids present or has stated that a communicable disease is present.

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4. A member shall initiate disinfection procedures whenever any bodily fluid or individual with any bodily fluid on his/her person is transported in a Department vehicle. The member will clean the affected vehicle using a freshly prepared solution of one part bleach to ten parts water or hot water and detergent.
5. In the event the disinfection procedure is beyond the capability of the member assigned the vehicle, the tour supervisor will take the vehicle out of service and make the necessary arrangements to have the vehicle properly disinfected, by way of supplementary report to the Infection Control Officer.
6. A member will clean non-disposable equipment and surface areas that have come into contact with a bodily fluid by:
 - a. Wiping up the excess fluid with a disposable absorbent material.
 - b. Washing with a freshly prepared solution of one part bleach and ten parts water.
 - c. All disposable cleaning material shall be disposed of in a bio-hazard bag, tagged as to its contents and secured.
 - d. The bio-hazard bag shall be transported to the United Hospital Emergency Room for proper disposal.

BioHazard Labeling

1. Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport, or ship blood or other potentially infectious materials, except that red bags or red containers may be substituted for labels. Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from these labeling requirements. Individual containers

of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

2. Labels shall include the following legend:

BIOHAZARD

and shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color. Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal. Such labels are required for contaminated equipment and shall also state which portions of the equipment remain contaminated.

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Education and Training

1. All employees with reasonably anticipated exposure to blood or other potentially infectious materials shall participate in the Bloodborne Pathogens Education Program at no cost to the employee and during work hours. This shall occur at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure shall be provided which may be limited to addressing the new exposures created.

Recordkeeping

1. All related records will be kept by the Infection Control Officer.
2. An accurate medical record for each employee with occupational exposure, in accordance with 29 CFR 1910.20, shall be maintained. This record shall include the name and social security number of the employee, a copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination, a copy of all results of examinations, medical testing, and follow-up procedures required as part of any post-exposure medical evaluation including the employer's copy of the healthcare professional's written opinion and a copy of the information provided to the healthcare professional as part of that evaluation.
3. Employee medical records will be kept confidential and not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law. Such records shall be maintained for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.20.

4. Training records shall be maintained and shall include the dates of the training sessions, contents or a summary of the training sessions, the names and qualifications of persons conducting the training, and the names and job titles of all persons attending the training sessions. Training records shall be maintained for 3 years from the date on which the training occurred.
5. All employee medical records or training records shall be made available upon request to the Assistant Secretary and the Director of Occupational Safety and Health Administration (OSHA) for examination and copying.
6. Employee training records shall be provided upon request for examination and copying to the subject employees, to employee representatives, and to the Director or Assistant Secretary in accordance with 29 CFR 1910.20.
7. Employee medical records shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to the Director or the Assistant Secretary in accordance with 29 CFR 1910.20.
8. Requirements involving transfer of records set forth in 29 CFR 1910.2(h) shall be followed.

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9. The Director shall be notified at least three months prior if cessation of business occurs and there is no successor employer to receive and retain the records for the prescribed period. Such records shall be transmitted to the Director, if requested by the Director to do so, within that three month period.

Employee Responsibilities

1. In addition to specific responsibilities outlined above, employees performing tasks with reasonably anticipated exposure to blood or other potentially infectious materials are required to inform the designated infection control representative if proper protective clothing and equipment is unavailable or appears inadequate to provide appropriate protection from such exposure. Employees are required to report to the designated infection control representative any incidents or observations suggesting inadequate use of personal protective clothing and equipment or other control measures by any employee.
2. Employees are required to follow the requirements of these policies and procedures including all work practice requirements. The use of universal precautions and the use of specific engineering controls and protective equipment outlined is mandatory.
3. Employees that do not follow these requirements are subject to disciplinary action up to and including discharge.

GLOSSARY OF TERMS

BLOOD - human blood, human blood components, and products made from human blood.

BLOODBORNE PATHOGENS - pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens included, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

CLINIC LABORATORY - a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

CONTAMINATED - the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

CONTAMINATED LAUNDRY - laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

CONTAMINATED SHARPS - any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

DECONTAMINATION - the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are not longer capable of transmitting infectious particles and the surface of item is rendered safe for handling, use, or disposal.

DIRECTOR - The Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or designated representative.

ENGINEERING CONTROLS - controls (e.g. sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogens hazard from the work place.

EXPOSURE INCIDENT - a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

HANDWASHING FACILITIES - a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

LICENSE HEALTHCARE PROFESSIONAL - a person whose legally permitted scope of practice allows him or her to independently perform the activities related to Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up.

HBV - Hepatitis B virus.

HIV - Human immunodeficiency virus.

OCCUPATIONAL EXPOSURE - reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

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OTHER POTENTIALLY INFECTIOUS MATERIALS - 1. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids. 2. Any unfixed tissue or other (other than intact skin) from a human (living or dead); and 3. HIV containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV and HBV.

PARENTERAL - piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts and abrasions.

PERSONAL PROTECTIVE EQUIPMENT - specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g. uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

PRODUCTION FACILITY - a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

REGULATED WASTE - liquid or semi-liquid blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

RESEARCH LABORATORY - a laboratory producing or using research laboratory scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

SOURCE INDIVIDUAL - any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to an employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

STERILIZE - the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

UNIVERSAL PRECAUTIONS - an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

WORK PRACTICE CONTROLS - controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two handed technique).



CITY COUNCIL AGENDA

NO. 23

DEPT.: City Manager

DATE: July 10, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the Police Commissioner to enter into an agreement with the New York State Police and the Westchester County Department of Public Safety for the TraCS System, an automated traffic ticket issuing system.

FOR THE MEETING OF:

July 10, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and Council authorize the Police Commissioner to enter into the agreement.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: New York State Police, working with the New York State Department of Motor Vehicles, the Governor's Traffic Safety Committee, the Office of Court Administration, and other state and federal agencies, has developed a system for the electronic capture of ticket and accident report data in a police vehicle and the electronic transfer of that data from law enforcement agencies to DMV and courts. The system is called TraCS (Traffic and Criminal Software). The attached agreement with the New York State Police and the Westchester County Police gives the City the use of the TraCS System, and provides the Police Department with the equipment at no cost.

See attached Agreement.

TraCS
USE AND DISSEMINATION AGREEMENT
Between
New York State Police, the County of Westchester Department of Public Safety
hereinafter referred to as the "Lead Agency"
and
City of Rye Police Department
hereinafter referred to as the "Participating Agency"

WHEREAS:

New York State Police (NYSP), working with the New York State Department of Motor Vehicles (DMV), the Governor's Traffic Safety Committee (GTSC), the Office of Court Administration (OCA) and other state and federal agencies, has developed a system for the electronic capture of ticket and accident report data in a police vehicle environment and the electronic transfer of that data from law enforcement agencies to DMV and courts. The system is called TraCS (Traffic and Criminal Software). Ticket and accident report forms have been developed and other law enforcement forms are planned for the future. DMV and the courts have approved these forms for official use. Data standards for ticket and accident report data have been agreed to between agencies for the electronic transfer of data. NYSP has developed an infrastructure and a limited capacity for local support.

It is the intention of NYSP to provide the TraCS software to any police agency in New York free of charge, based on NYSP support staff availability and the Lead Agency's ability to self-support.

NOW THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

1. NYSP agrees to provide the current version of TraCS software (includes ticket, accident report and associated forms) to the Lead Agency at no cost to the Lead Agency.
2. This Agreement will become effective upon proper execution and will remain in effect for a period of five (5) years, unless sooner terminated in accordance with the provisions of this Agreement.
3. This Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.
4. Each agency agrees:
Maintenance
To maintain all parts of the TraCS System under their control. The portion of the system "under agency control" includes:
 - The hardware and operating system associated with the in-vehicle equipment
 - The hardware and operating system associated with the in-station TraCS computer.
 - Backup & restoration of all system and production ticket and/or accident report data.

“Maintenance” generally means support, upkeep, repair and periodic duplication or “back-up” of records in order to safeguard the data. The Lead Agency will take reasonable measures to prevent or correct system trouble with any portion of the system “under their control”. If the Lead Agency determines any system trouble to be under NYSP control, it will notify and work with the proper NYSP representative.

5. The Participating Agency agrees:

1. This agreement is only for the use of TraCS by the Participating Agency. TraCS software will not be distributed beyond the Participating Agency without written approval from NYSP.
2. To abide by the provisions of the TraCS Users Agreement included in Appendix A.
3. To not alter the form(s) and TraCS database in any way without express written approval from NYSP and DMV.
4. To not introduce custom system enhancements during the Participating Agency implementation.
5. To contact the Lead Agency for all assistance with the implementation and use of the TraCS software.
6. To support reports, queries, ticket logs and any other analysis of the ticket data.
7. To coordinate the use of TraCS with local courts. However, the State Police will coordinate the assistance and response of OCA (Office of Court Administration) and DMV personnel to attend these meetings.
8. The TraCS system will be used for data entry and the electronic transfer of ticket data to and/or from DMV and the courts and the printing of ticket forms where courts are not yet online to receive electronic data.
9. Whereas a court is not yet able to accept electronic ticket data, to be responsible for printing and forwarding ticket copies to the appropriate court unless arrangements are made with individual agencies to print their own tickets and forward them to courts not yet ready to receive electronic data.
10. To supply equipment for use with the TraCS system, with the exception of any NYSP participation in the area. NYSP agrees that all NYSP equipment will be purchased, installed and supported by NYSP unless equipment is purchased by an entity for use by all agencies within a county or region.
11. To manage, support and ensure security is properly implemented within TraCS.

6. NYSP agrees:

1. To review, prioritize and schedule change requests for inclusion in future software releases. Change requests for “bug” fixes, system enhancements, form enhancements and routine change requests such as court address changes shall be directed to NYSP. Any enhancement that requires funding will be the responsibility of the Lead Agency to obtain the necessary financing and if the enhancement benefits multiple agencies, then the State Police will attempt to also obtain funding. No matter where funding comes from, NYSP and /or its contractors will make all changes to TraCS. Once TraCS begins statewide rollout, a TraCS steering committee shall be formed to prioritize TraCS enhancements, functionality requests, issues, etc.

2. Whereas each agency will have the opportunity to participate in the electronic transfer of data, via the NYSPIN infrastructure, to a gateway server in Albany (NYSP). This data will then be transferred to DOT, DMV, OCA, etc. for processing.
7. Both parties agree:
 1. To develop a process for forms development by New York State agencies.
 2. Representatives on the TraCS steering committee shall only be from agencies that have signed this agreement.
 3. NYSP is the sole contractor and sole contact agency with Technology Enterprise Group, approved vendor of the TraCS system.
 4. NYSP is the sole contractor with the Center for Transportation Research and Education at Iowa State University, approved vendor of the CTRE Location Tool used in the TraCS system.
 5. The term of this Agreement shall commence upon execution thereof and continue for a period of five (5) years thereafter.
 6. The Lead Agency and/or the Participating Agency may terminate this Agreement at any time by giving the NYSP reasonable advance notice.

IN WITNESS WHEREOF, the Participating Agency, the Lead Agency and the NYSP have executed this Agreement in triplicate:

Participating Agency: City of Rye Police Department

By: _____ (sign name and title)
William R. Connors, Commissioner

Lead Agency: Westchester County Department of Public Safety

By: _____ (sign name and title)
George N. Longworth, Commissioner-Sheriff

New York State Police

By: _____ (sign name and title)
(Print name and title)

MUNICIPALITY'S ACKNOWLEDGMENT

STATE OF NEW YORK)

) ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____ 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she is the _____ of _____, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she executed the same in his/her capacity, and that by his/her signature(s) on the instrument, the municipal corporation executed the instrument.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the
(Title)

(Name of Municipality)
(the "Municipality"), a corporation duly organized and in good standing under the

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)
named in the foregoing agreement; that _____,
(Person executing agreement)
who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality, and that said
(Title of such person),
agreement was duly signed for and on behalf of said Municipality by authority of its
_____, thereunto duly authorized and
(Town Board, Village Board, City Council)
that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20____, before me, the undersigned, personally
appeared _____, personally known to me or proved to me on the
basis of satisfactory evidence to be the individual whose name is subscribed to the above
certificate and acknowledged to me that he/she executed the above certificate in his/her capacity
as _____ of _____,
(Title) (Municipality)
the municipal corporation described in and which executed the within instrument.

Notary Public County

SCHEDULE "B"

STANDARD INSURANCE PROVISIONS **(MUNICIPALITY)**

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: www.wcb.state.ny.us (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and Sub-Contractor.
- (iv) Products and Completed Operations.

All Contracts involving the use of explosives and demolition shall provide the above coverage with elimination of the XCU exclusion from the policy, or proof that XCU is covered.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

Name of Contractor: _____

REQUIRED DISCLOSURE OF RELATIONSHIPS TO COUNTY

A potential County contractor must complete this form as part of the proposed County contract.

- 1.) Are any of the employees that the Contractor will use to carry out this contract also a County officer or employee, or the spouse, child, or dependent of a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

- 2.) Are any of the owners of the Contractor or their spouses a County officer or employee?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

- 3.) Do any County officers or employees have an interest¹ in the Contractor or in any approved subcontractor that will be used for this contract?

Yes _____ No _____

If yes, please provide details (attach extra pages, if necessary): _____

By signing below, I hereby certify that I am authorized to complete this form for the Contractor.

Name: _____

Title: _____

Date: _____

¹ "Interest" means a direct or indirect pecuniary or material benefit accruing to a County officer or employee, his/her spouse, child or dependent, whether as the result of a contract with the County or otherwise. For the purpose of this form, a County officer or employee shall be deemed to have an "interest" in the contract of:

- 1.) His/her spouse, children and dependents, except a contract of employment with the County;
- 2.) A firm, partnership or association of which such officer or employee is a member or employee;
- 3.) A corporation of which such officer or employee is an officer, director or employee; and
- 4.) A corporation of which more than five (5) percent of the outstanding capital stock is owned by any of the aforesaid parties.

TraCS USERS AGREEMENT

This TraCS Users Agreement (hereinafter Agreement) is entered into by and between the Iowa Department of Transportation, an agency of the State of Iowa, with principal offices at 800 Lincoln Way, Ames, Iowa 50010 (hereinafter Licensor) and the New York State Police, an agency of the State of New York, with principal offices at 1220 Washington Ave., Building 22, State Campus, Albany, New York 12226 (hereinafter Licensee). The parties agree that the following terms and conditions apply to the provision of the Traffic and Criminal Software and the Software Development Kit and documentation (collectively referred to as TraCS). TraCS is a proprietary product owned by the Licensor and protected by Title 17 United States Code. It is the intent of Licensor that TraCS be distributed only to other state and local entities for governmental use. The Geographical Information System (GIS) Location Tool is separate software requiring a separate agreement.

1. License. Licensor grants to Licensee a nonexclusive, nontransferable, royalty free license to copy and use TraCS all in accordance with the terms and conditions of this Agreement. Licensee shall not use TraCS for any commercial purpose whatsoever. TraCS may not be used, sublicensed, lent, copied, modified or transferred, in whole or in part, except as provided for in this Agreement.

2. Forms. Licensee shall have the right to employ TraCS to modify existing forms and create additional forms for use with TraCS, provided that such modified and additional forms shall be made available to Licensor and other Licensees without charge. Licensee shall grant a nonexclusive, transferable, royalty free license to the Licensor and other Licensees to copy, use, and modify the forms for use by Licensor and other Licensees.

3. Third party software developers/vendors. The Licensee may provide TraCS to a third party for the purposes of modifying forms, creating additional forms and developing interfaces to integrate TraCS with systems being used by the Licensee. The Licensee will enter into an agreement with the third party that requires the third party to acknowledge and comply with the terms of this agreement, including without limitation, the prohibition against use for commercial purpose. The Licensee will provide a copy of the agreement to the Licensor.

4. Proprietary Protection. The Licensor represents, and the Licensee acknowledges, that TraCS contains trade secrets of the Licensor (including without limitation, algorithms, methods, and structure and design elements). Such trade secrets are entrusted to the Licensee for use as expressly authorized under this Agreement. The Licensee and any third party the Licensee enters into agreement with agree to hold all the Licensor trade secrets in confidence. Under no circumstances may the Licensee or any third party the

Licensee enters into an agreement with, de-compile, reverse engineer, or "unlock" (as the term is generally used in the industry) TraCS.

5. Source Code. Modifications to the source code requested by the Licensee will be prioritized with other source code modifications sought by the Licensor and other Licensees. The requesting Licensee(s) shall be responsible for funding the cost of requested enhancements to the source code. Source code enhancements shall be made by Technology Enterprise Group, Inc. (TEG), or such other software developer designated by Licensor, and shall be managed by the Licensor in conjunction with the Licensee(s). Enhancements shall become integrated into the master source code and available royalty free to the Licensor and all Licensees. Source code changes requested by the Licensee shall be made at the Licensee's expense.

6. New Releases. Licensor will provide the final form of each new release of TraCS to Licensee for use under the same provisions as the original TraCS software.

7. Sublicense. Licensee may sublicense TraCS to other state and local government entities within the Licensee's state for use in carrying out governmental functions, provided that such sublicense is subject to the terms and conditions of this Agreement. Licensee shall reproduce and include the copyright notice on all copies of TraCS.

8. Effective Date. This Agreement becomes effective when signed by both parties and continues until terminated.

9. Limitation of Liability. In no event shall Licensor be liable for any damages whatsoever (including, without limitation, indirect, incidental, special, or consequential damages including lost profits, business interruption, loss of information, or other loss) arising out of this Agreement or Licensee's use or inability to use TraCS, even if Licensor has been advised of the possibility of such damages.

10. Governing Law. This Agreement shall be governed by the laws of Iowa and any action arising out of or connected with it shall be brought in the courts of Iowa.

11. Disclaimer of Warranty. TraCS is provided "as is" and "with all faults" without any warranty of any kind, express or implied, including but not limited to, warranties of noninfringement, performance, merchantability, or fitness for a particular purpose. Licensee is responsible for the selection of TraCS to achieve its intended purpose, use of software, and the results obtained.

12. Support. The Licensee will develop its own technical and implementation resources for deployment of TraCS in their state. Licensor will continue to offer advice on

implementation as resources allow. Licensee may contract with TEG for support with the approval of the Licensor.

13. Termination. This Agreement may be terminated as follows:

A. by the Licensee at any time; or

B. by the Licensor:

1. for breach or nonperformance by Licensee of any material term or condition of this Agreement.
2. if the Licensor decides to discontinue support and maintenance of the TraCS software for use by other States. A transfer of the source code to the Licensee(s) will be negotiated between the Licensor and Licensee(s).

Upon termination of this Agreement under A. or B.1 above, Licensee shall promptly return to Licensor all copies of TraCS, including any modifications, or certify that all have been destroyed.

Licensor:
New York State Police

State of New York

William J. Callahan
WILLIAM J. CALLAHAN

March 13, 2001
Date

Licensor:
Iowa Department of Transportation
Motor Vehicle Division
State of Iowa

Shirley E. Andre
Shirley E. Andre

3-28-01
Date



CITY COUNCIL AGENDA

NO. 25

DEPT.: City Manager's Office

DATE: September 11, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2016.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: Approval by Mayor and City Council of the appointment of Mr. David Byrnes, the Village of Port Chester Community Representative, to the Emergency Medical Services Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The term of David Byrnes, the Community Representative to the Emergency Medical Services Committee from the Village of Port Chester, expired on June 30, 2013. Section 3A of the Inter-Municipal Agreement states that the community representatives shall be "recommended by the Corps and ratified by joint resolution of the municipalities." The City of Rye and the Villages of Port Chester and Rye Brook have joined in this inter-municipal cooperative.

Mr. Byrnes has expressed his willingness to continue as Port Chester's representative and the Corps recommends his reappointment. The Village of Port Chester approved Mr. Byrnes's nomination at their August 5, 2013 Board of Trustees meeting.

See attached.



PORT CHESTER-RYE-RYE BROOK EMERGENCY MEDICAL SERVICES

8/23/2013

Mr. Scott Pickup
Manager
The City of Rye
1051 Boston Post Road
Rye, N.Y. 10580

Dear Mr. Pickup:

The Inter-Municipal Agreement for Emergency Medical Services established the Emergency Medical Services Committee (EMSC). The Term of Mr. David Byrnes, the Community Representative to the Committee from the Village of Port Chester expired on June 30th 2013. Mr. Byrnes has been an active member of the EMSC and has expressed his desire to continue as Port Chester's representative.

Section 3A of the Inter-Municipal Agreement states that the community representative shall be "recommended by the Corps and ratified by joint resolution of the municipalities". In accordance with the agreement I respectfully submit David Byrnes for reappointment to the EMSC for a term of three (3) years, ending June 30, 2016. I request this matter be placed on the agenda of the next scheduled City of Rye Board meeting.

Please note that the Village of Port Chester approved Mr. Byrne's nomination at the August 5th, 2013 Board of Trustees meeting.

Please don't hesitate to contact me with any questions, comments or concerns.

Sincerely,

Scott T. Moore
EMS Administrator



CITY COUNCIL AGENDA

NO. 26

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: One Appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2018, by the Mayor with Council approval.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council appoint Franklin Chu to the Board of Assessment Review.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Current Committee Members

Expiration Date

Caroline Mosher Gadaleta, Chair
Robert Byrne
Debbie Galliard
Howard Husock

9-30-14
9-30-15
9-30-16
9-30-16



CITY COUNCIL AGENDA

NO. 27

DEPT.: Boat Basin

DATE: September 11, 2013

CONTACT: Peter T. Fox, Boat Basin Supervisor

ACTION: Three appointments to the Boat Basin Commission by the Council, for two-year terms expiring January 1, 2016 and the designation of one member to the Boat Basin Nominating Committee.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council designate the individuals elected to serve on the Boat Basin Commission and Nominating Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for two-year terms ending January 1, 2016:

George DeFillippo
Robert Rispoli
George Szczerba

The following individual was elected to serve on the Boat Basin Nominating Committee:

Alan Caminiti

CITY OF RYE
MEMORANDUM

TO: Scott Pickup, City Manager
Peter T. Fox, Boat Basin Supervisor

FROM: Dawn F. Nodarse, City Clerk

SUBJECT: De Pauw Municipal Boat Basin Commission
and Nominating Committee Election

DATE: August 28, 2013

The following are the results of the Boat Basin Election:

Envelopes Received	98
Ballots Cast	96
Invalid Ballots	3

The election results for three representatives to the De Pauw Municipal Boat Basin Commission are (three open seats):

Candidates	# of Votes Received
George DeFilippo	74
Benjamin Poole	48
Robert Rispoli	76
George Szczerba	75

The election results for one member to the Nominating Committee:

Candidates	# of Votes Received
Alan Caminiti	84


Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 28

DEPT.: City Council

DATE: September 11, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Appointment of a Marriage Officer for the City of Rye.

FOR THE MEETING OF:
September 11, 2013

RYE CITY CODE

RECOMMENDATION: That the Council appoint Deputy City Clerk Diane Moore and reappoint Susan Morison as Marriage Officers for the City of Rye.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Currently Mayor French, as authorized by his title, is the only City officer authorized to solemnize marriages in the City of Rye. It is recommended that the Council appoint Deputy City Clerk Diane Moore and reappoint former City Clerk Susan Morison as Marriage Officers for the City. According to the Domestic Relations Law, Article 3, § 11-C appointments must be renewed every four years.

See attached New York State Law.

N.Y. DOM. LAW § 11-c : NY Code - Section 11-C: Marriage officers

1. Notwithstanding the provisions of section eleven of this article or any other law, the governing body of any village, town, or city may appoint one or more marriage officers who shall have the authority to solemnize a marriage which marriage shall be valid if performed in accordance with other provisions of law. Nothing herein contained shall nullify the authority of other persons authorized to solemnize marriages.

2. The number of such marriage officers appointed for a municipality shall be determined by the governing body of the municipality. Such marriage officers shall be eighteen years of age or over, and they shall reside in the municipality by which they are appointed. A marriage officer shall have the authority to solemnize a marriage within the territory of the municipality which makes the appointment.

3. A marriage officer may receive a salary or wage in an amount to be determined by the governing body of the municipality which appoints him or her. In the event that a marriage officer receives a salary or wage, he or she shall not receive any remuneration or consideration from any other source for performing his or her duties. In the event that a marriage officer does not receive a salary or wage, he or she may accept and keep up to seventy-five dollars for each marriage at which he or she officiates, paid by or on behalf of the persons married.

4. The term of office of a marriage officer shall be as determined by the governing body which makes the appointment but shall not exceed four years. A marriage officer shall serve at the pleasure of the appointing authority and may be removed from office with or without cause on ten days written notice filed with the clerk of the municipality and sent by registered mail return receipt requested to the marriage officer.



CITY COUNCIL AGENDA

NO. 29

DEPT.: City Manager's Office

DATE: September 11, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.

FOR THE MEETING OF:

September 11, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City Manager's Office received a request from the Recreation Department to hold their annual Turkey Run event on Saturday, November 30, 2013. The race is scheduled to run from 9:00 am to 11:30 am and will start and end at Rye Recreation on Midland Avenue.

See attached.



CITY OF RYE

Department of Recreation
281 Midland Avenue
Rye, NY 10580
(914) 967-2535
Fax (914) 967-5521

Commission Chair
BART DINARDO

Superintendent
SALLY ROGOL

September 4th, 2013

Mr. Scott Pickup, City Manager
City of Rye
1051 Boston Post Rd.
Rye, NY 10580

Dear Mr. Pickup,

Rye Recreation is once again planning on running our annual Turkey Run Road Race. This year the event will be on Saturday, November 30th, 2013. The Race is scheduled to run from 9-11:30 AM, and will both start and end at Rye Recreation Park on Midland Avenue.

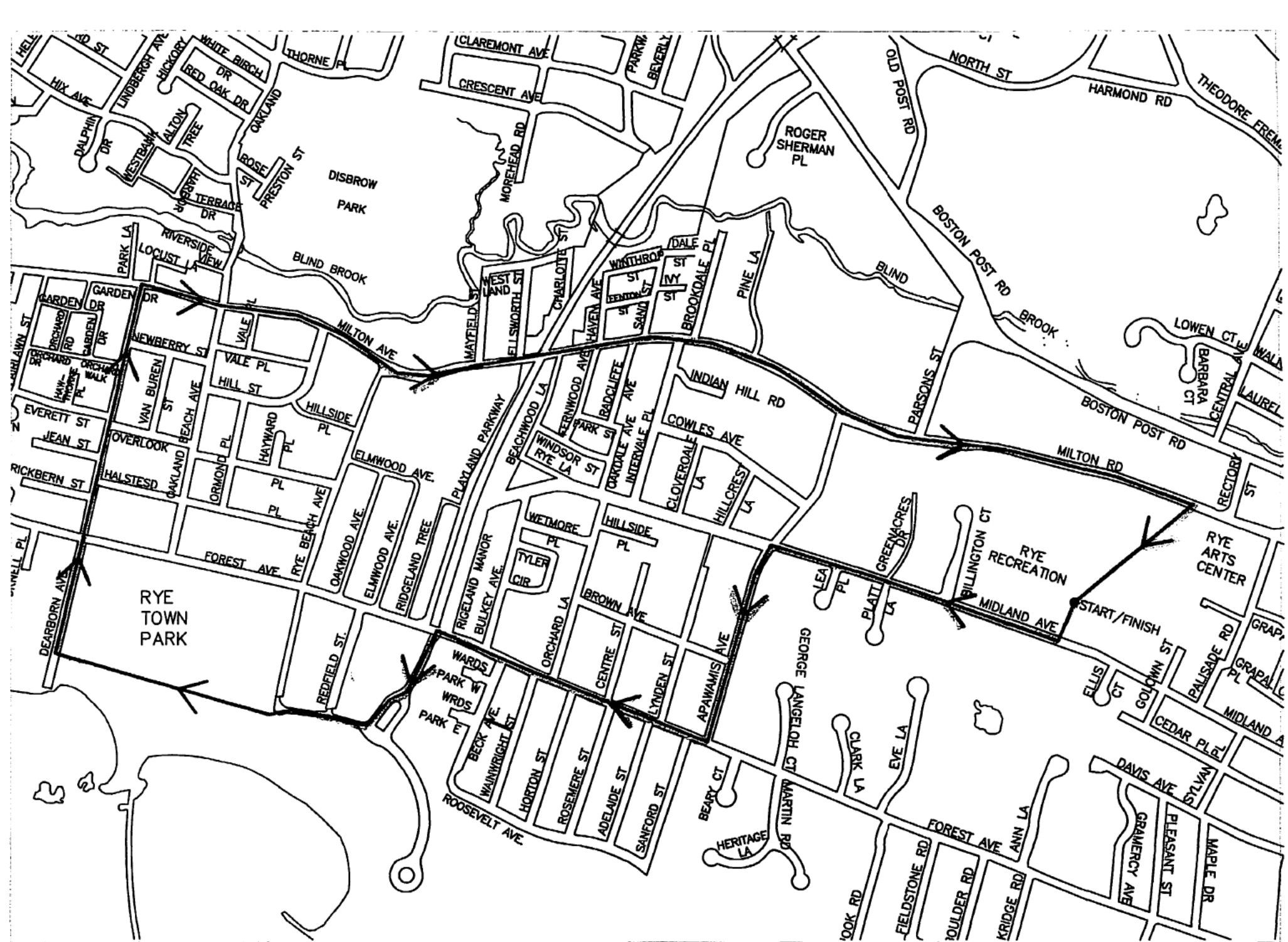
I plan on working with Rye Police in regards to any assistance we may need in regards to traffic and safety during the event.

Rye Recreation looks forward to once again running a successful and safe event. If you have any questions regarding the race, please do not hesitate to contact me at 914-967-2125. I thank you for your support.

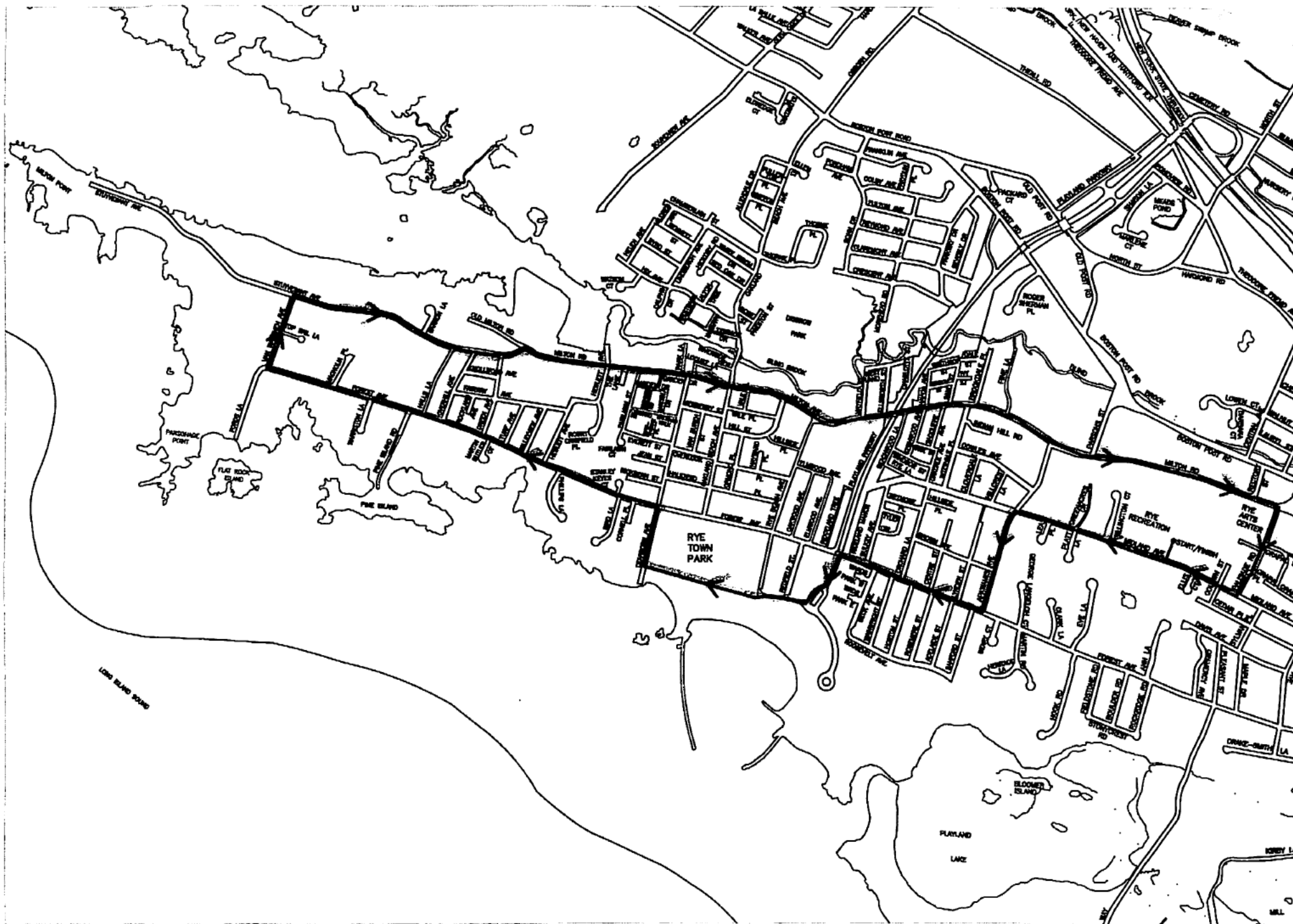
Sincerely,

Douglas Scott

Doug Scott
Rye Recreation
(914)967-2125



3.1MILE TURKEY RUN



5.2 MILE TURKEY RUN